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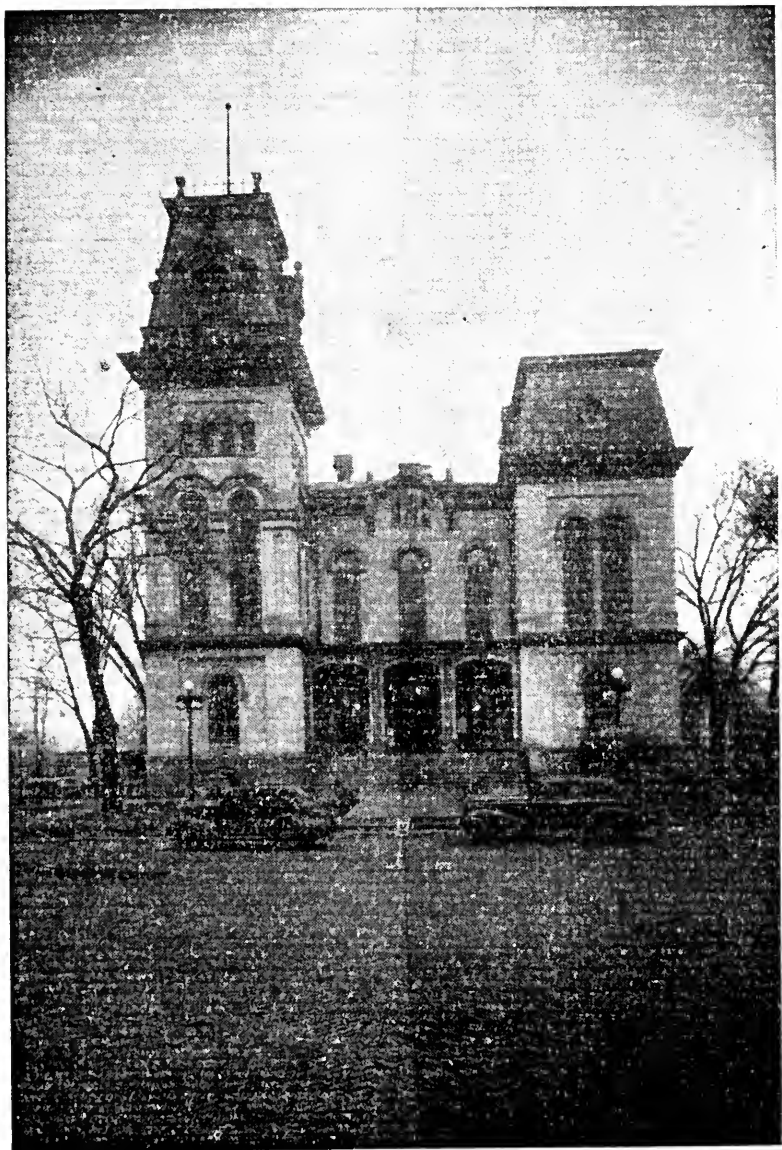
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INVENTORY OF THE COUNTY ARCHIVES OF ILLINOIS



NO - 68

MONTGOMERY COUNTY
(HILLSBORO)



MONTGOMERY COUNTY COURT HOUSE, HILLSBORO, ILLINOIS

INVENTORY OF THE COUNTY ARCHIVES OF ILLINOIS

Prepared By

The Illinois Historical Records Survey Project
Division of Professional and Service Projects
Work Projects Administration

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No. 68

MONTGOMERY COUNTY (HILLSBORO)

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Chicago, Illinois

The Illinois Historical Records Survey Project

October 1939

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THE HISTORICAL RECORDS SURVEY PROGRAM

Luther H. Evans, Director

Royal S. Van de Woestyne, State Supervisor

DIVISION OF PROFESSIONAL AND SERVICE PROJECTS

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F. C. Harrington, Commissioner

George Field, Regional Director

Charles E. Miner, State Administrator

11/11/11

FOREWORD

The **Inventory of the County Archives of Illinois** is one of a number of bibliographies of historical material prepared throughout the United States by workers on The Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Montgomery County, is number 68 of the Illinois series.

The Historical Records Survey Program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey Program attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey Program, even in a single county, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their cooperation is gratefully acknowledged.

The Survey Program was organized and has been directed by Luther H. Evans, and operates as a nation-wide series of locally sponsored projects in the Division of Professional and Service Projects, of which Florence Kerr, Assistant Commissioner, is in charge.

F. C. HARRINGTON
Commissioner

18 Me 41 2. County Clerk, Montgomery Co, Pa.

PREFACE

The Historical Records Survey Program was initiated as a nationwide undertaking in January, 1936, as part of the Federal Writers' Project of the Works Progress Administration, now the Work Projects Administration. In Illinois the Survey became an independent unit in August, 1936, but continued to operate as a part of the nation-wide project under the technical supervision of Dr. Luther H. Evans, National Director, and under the administrative supervision of the Division of Professional and Service Projects. Alston G. Field and Howard E. Colgan were the first two state directors, the former serving until November 1, 1937, and the latter to May 16, 1939. On September 1, 1939, the Illinois State Library, of which Secretary of State Edward J. Hughes is State Librarian and Helene H. Rogers, Superintendent of State Library Divisions, assumed the sponsorship of The Illinois Historical Records Survey Project.

In compiling this inventory of the archives of Montgomery County, the Survey has sought to locate, describe, and classify all extant county records and to make them more easily accessible to county officials, the general public, and research workers. It is believed that this Inventory will be useful in the preservation of this valuable material, and as a guide to the archives wherein may be found so much important information in the field of history, sociology, political science, and economics. While some historians have realized this for many years, the general public has never been made aware of the intrinsic worth of this material. In the official documents of Montgomery County are found the materials of another chapter in the story of the coming into the Illinois wilderness of settlers who created a territory and the rudiments of a simple frontier government, bought and sold land, built roads, established schools, and later founded a state.

The Illinois Historical Records Survey Project has proved to be of considerable assistance to local and county governments. Records have been rearranged and made more accessible, material believed to be lost has been located, indexing projects have been fostered, and county officials have been encouraged and induced to provide new equipment for their offices and better storage space for the records.

In addition, the program of the Project has been planned to dovetail with the long-range plans of the State of Illinois for the care of state and local archives. For example, the first step, the removal of all state records to a new Archives Building, has been materially aided by the preparation of preliminary inventories by survey workers for the various state departments. Furthermore, the program of the State for the preservation of county records, including the making of microphotographic copies of all important historical documents, obviously presupposes inventories such as The Illinois Historical Records Survey Project is now making.

The inventories being compiled by The Historical Records Survey Program also make possible for the first time a scientific study of the question of record destruction. Under Illinois law no records may be destroyed without specific enabling legislation. This provision, together with the tremendous increase in the quantity of records in

Preface

recent years, has made it impossible for either the state or the counties to take care of the documents adequately. Hence, a certain amount of record destruction has been inevitable. If, as seems probable, a study of these inventories should lead to the enactment of adequate and sensible legislation governing the disposition of public records, these compilations may prove to be the most important contribution of the Survey.

Preliminary work on the survey of records in Montgomery County, the sixty-eighth county on the alphabetically arranged list of the one hundred and two counties in Illinois, was begun under the supervision of Kenneth C. Blood on September 22, 1936, and finished as far as possible November 15, 1936. Inventory forms were received February 18, 1937, and May 25, 1937; and on June 11, 1937, a tentative draft inventory was submitted to the national director, which draft was returned for revision October 13, 1937. Check on three offices was made February 3 and 7, 1938, and on December 1, 1938, all inventory forms were returned to the field supervisor for recheck; these were returned August 7, 1939. Included in the field work was the transcribing of county board records. Field workers at the beginning of the inventory were David D. Boyd, Ruth Purkey, Silas Bullard, and Velma Bouillon; later workers were Paul E. Rhodes, Byron E. McCall, Sidney M. Cool, Leonard J. Sronce, and Paul E. Doty.

The Inventory was prepared for publication by the state editorial staff of The Illinois Historical Records Survey Project at Chicago, under the supervision of Herbert R. Rifkind. Preparation of part B of the Inventory was under the direction of Martine O'Connor; Irving E. Barnett supervised the preparation of the legal essays; the historical sketch was written under the supervision of Kathleen Summitt; and the format was prepared and collated by Edward J. McDonough. In addition, too much credit cannot be given to the other members of the editorial, research, and typing staffs for their intelligent and diligent cooperation in the compilation of this Inventory.

All of the officers of Montgomery County cooperated in every possible way with the workers, and grateful acknowledgment of their aid is hereby made. I also wish to express appreciation for the assistance rendered by the officials of the Illinois Work Projects Administration and the Illinois Writers' Project. For the cover design we are indebted to the Illinois Art Project.

The various units of the **Inventory of the County Archives of Illinois** will be available for distribution to governmental offices, libraries, schools, and historical societies in Illinois, and libraries and governmental agencies in other states. Requests for information concerning particular units of the Inventory should be addressed to the State Supervisor.

Royal S. Van de Woestyne
State Supervisor
The Illinois Historical Records
Survey Project

October 20, 1939

HARRY C. STUTTLE
Senator, 38th District

FRANK W. FRIES
Congressman, 21st District

HUGH W. CROSS
Representative, 38th District

RAYMOND RICHMOND
Representative, 38th District

DR. FRANK A. STEWART
Representative, 38th District

MONTGOMERY COUNTY OFFICIALS

County Clerk	IRA W. WHITE
Circuit Clerk,	BREWER H. DAMMANN
Treasurer	NEWELL HILL
Sheriff	LEO GILLILAND
Coroner	GEORGE S. CHASE
State's Attorney	GEORGE A. HALL
County Judge	ROBERT C. WHITE
Superintendent of Schools	WALTER F. GROTTTS
Superintendent of Highways	A. P. ROSCHE
Master in Chancery	L. V. HILL
Superintendent of Public Welfare.....	PEARL E. CARRIKER
Superintendent of County Home.....	LEE UPCHURCH
	(FRANK FERGUSON, Appointee)
County Farm Advisor	ALDEN SNYDER
County Mine Inspector	CLARENCE SMITH
County Physician	DR. R. A. HAMILTON
Tuberculosis Sanitarium Board....	DR. EDMUND S. LOCKHART,
	Chairman
	O. M. HAMPTON, Secretary
	EDWARD R. BUTLER, Member

BOARD OF SUPERVISORS OF MONTGOMERY COUNTY

Township	Name and Postoffice	Term Expires
Audubon	Gordon Kellogg, Nokomis.....	1943
Bois d'Arc	Joseph A. Jordan, Farmersville.....	1943
Butler Grove	Jesse W. Osborn, Butler.....	1941
East Fork	Keith Short, Coffeen.....	1943
Fillmore	H. D. Allen, Fillmore.....	1941
Grisham	George Fram, Donnellson.....	1943
Harvel	C. D. Marshall, Harvel.....	1943
Hillsboro	George Hume, Hillsboro.....	1943
Hillsboro	*John Beal, Hillsboro.....	1943
Irving	Bruce Ishmael, Irving.....	1941
Nokomis	Walter C. Fricke, Nokomis.....	1941
Nokomis	*Merle Wright, Nokomis.....	1943
North Litchfield	A. B. Palmer, Litchfield.....	1941
North Litchfield	*Clarence Winkleblack, Litchfield.....	1943
Pitman	Thomas M. Taylor, Waggoner.....	1943
Raymond	W. G. Pope, Raymond.....	1943
Rountree	Olin N. Snyder, Witt.....	1941
South Fillmore	H. E. McCollum, Coffeen.....	1941
South Litchfield	Fred Striplin, Litchfield.....	1941
Walshville	Henry C. Keune, Litchfield, R. R. 2.....	1943
Witt	R. E. Sparks, Nokomis, R. F. D.....	1941
Zanesville	Willis Corlew, Raymond.....	1941

*Assistant Supervisors

LIST OF STANDING COMMITTEES, 1939-1940

WALTER C. FRICKE, Chairman

IRA W. WHITE, Clerk

Finance	Snyder, Osborn, Allen
Road and Bridge	Kellogg, Pope, Palmer
Judiciary	Kuene, Taylor, Allen
Poor Claims	Fram, Wright, McCollum
Court House	Winkleblack, Hume, Jordan
Election and Jurors	Hume, Wright, Striplin
Police	Short, Kuene, Corlew
County Farm	Keune, Winkleblack, Corlew
Jail and Prisoners	Taylor, Wright, Marshall
Fees and Salaries	Hume, Short, Marshall
Medical Pauper	Taylor, Keune, Allen
Miscellaneous	Sparks, Ishmael, Fram
Printing and Supplies	Wright, Winkleblack, Beal
Rules of Order	Fram, Palmer, Beal
Back Tax	Short, Hume, Striplin

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A. MONTGOMERY COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

INTRODUCTION

Location and Description

Montgomery County, in the central Illinois region, lies a little to the south and west of the center of the state. Its northern boundary is formed by the county lines of Sangamon and Christian; on the east it is bounded by Shelby and Fayette counties; on the south by Bond and Madison; and on the west by Macoupin County. Large and irregular in shape, Montgomery has an area of 740 square miles. In general the surface is high and undulating, and the land is suitable for a diversity of agricultural purposes. The county is watered by Ramsey and Shoal creeks, East, West, and Middle forks of Shoal Creek, Lake Fork, Hurricane Creek, and the streams tributary to these. The swamps which formerly hampered travel and cultivation have been drained and turned into highly productive land. Between the main streams in the southern part of the county, are a number of mounds, probably of artificial origin, some a mile or more across their base and about fifty feet high. Near Nokomis a few low hills, separated by gentle depressions, rise from the prairie.¹ The northern two-thirds of the county is of a prairie soil of a rich, dark color; the soil of the timber region is of a light, gray-colored clay.² Originally the county's forest acreage totaled 143,572; by 1924, gradual lumbering off had reduced it to 46,498 acres.³ Much of the timber was used in building the cabins of the pioneers and the early public buildings, for firewood, and for the construction by the early settlers of wagons, plows, and other farm implements. The types of trees found in the county are several varieties of oak and maple, cottonwood, sassafras, hickory, black walnut, and black and honey locust; wild grapevines are found in the woods, along with wild cherry, plum, and crab-apple trees, and such shrubs as hazel, sumac, and elderberry.

While Montgomery is predominantly agricultural, the per cent of land in farms in 1935 being 93.9,⁴ coal mining provides an important additional source of wealth. During 1915 the eight operating mines in the county produced 13.45 per cent of the coal mined in the state in that year;⁵ in 1937, however, there were only three shipping mines in operation, producing about two per cent of the state's output.⁶

Montgomery County was named, in keeping with the post-Revolutionary custom of choosing place names from the roster of Revolution-

1. **History of Bond and Montgomery Counties, Illinois**, ed. William Henry Perrin (Chicago: C. L. Baskin & Co., 1882), p. 174.
2. **Historical Encyclopedia of Illinois**, ed. Newton Bateman and Paul Selby, and **History of Montgomery County**, ed. Alexander T. Strange (Chicago: Munsell Publishing Company, 1918), II, 646.
3. Clarence J. Telford, **Third Report on Forest Survey of Illinois**, University of Illinois Bulletin, v. XVI (Urbana, 1926), p. 61.
4. **Information Pertaining to Farm, Home and Community** (Urbana: University of Illinois, mimeograph, 1936), p. 3. Hereinafter cited as **Farm, Home and Community**.
5. Bateman, Selby, and Strange, op. cit., p. 806, 807.
6. **Fifty-sixth Coal Report of Illinois** (Springfield: State of Illinois, 1937) p. 79.

Historical Sketch

ary War heroes, in honor of General Richard Montgomery, who distinguished himself in service with Wolfe in Canada; upon entering the Continental Army after the outbreak of the War for Independence, he was elevated to the position of commander of the forces in the northern department, where some of the men who later settled in Illinois served under him.

The First Inhabitants

There is evidence that an aboriginal race of people once dwelt within the confines of the county, for the mounds they built still stand as monuments of their presence. In the vicinity of one group of these, a few miles west of Hillsboro, have been found such relics as arrowheads, scrapers, axes, mauls, drills, sawtooth points, and other instruments which have not been identified.⁷ Very little scientific exploration of the mounds has been made, so that whatever they might reveal of the life and culture of the people who caused them to rise from the surrounding prairies, remains a secret. Even the minute and extensive studies made by the University of Illinois⁸ and various archeological societies on the more important Cahokia group of mounds near East St. Louis, have not succeeded in establishing either the age of the mounds or the reason for their building.

Neither is there much definite knowledge concerning the movements of the later Indian tribes who roamed over this region. Montgomery lies in the territory claimed by the Illinois nation when that people was first known to the white man.⁹ Since these Indians were accustomed to make their permanent villages along the shores of the larger streams, it is not surprising that they left in Montgomery County no trace of their habitation. During the latter half of the eighteenth century, the Illinois fell prey to their enemies; first to the Iroquois, and when these had retreated to the northeastward, to the warlike Pottawatomies, Sacs and Foxes, and Kickapoos. The latter two tribes frequented the Montgomery County region on hunting and fishing expeditions, but it is not known that they made any permanent settlements there.¹⁰ The Kickapoos were a troublesome people, seldom making outright warfare, but delighting in predatory raids against either their Indian neighbors or exposed white settlements. Their acknowledged possession of the country east of the Illinois River and between the Kankakee and a line drawn from the mouth of the Illinois to the Wabash, was a strong deterrent to settlers seeking new homes in Illinois. It was not until 1819 that this tract, the southern portion of which includes Montgomery County, was ceded to the United States government by the treaty of Edwardsville.¹¹ The Kick-

7. Bateman, Selby, and Strange, op. cit., p. 649, 651.

8. See Warren K. Moorehead and others, **The Cahokia Mounds**, University of Illinois Bulletin v. XXVI, No. 4 (Urbana, 1927).

9. The Illinois claimed the country south of the Great Lakes and from the divide between the Illinois River and the Wabash on the east, to the Mississippi on the west. Hiram W. Beckwith, "Illinois and Indiana Indians" in **Fergus Historical Series** No. 27 (Chicago: Fergus Printing Company, 1884), p. 100.

10. Perrin, op. cit., p. 180.

11. "Treaty with the Kickapoos" in **Indian Affairs Laws and Treaties**, ed. Charlse J. Kappler (Washington: Government Printing Office), II, 129.

Historical Sketch

poos, in return for their lands, were to receive an annuity and undisputed possession of certain lands to the north and west, to which they hastened with the assistance of government troops. From that time on, they ceased to be a menace, and the country they had occupied was open to white settlement.

EARLY HISTORY

The Background of Settlement

The recorded history of white man's civilization in Illinois began over three centuries ago when, in the early seventeenth century, French explorers and missionaries first penetrated the "far west." Outside their brilliant feats of exploration and the unmatched courage and devotion of their missionaries, the most remarkable quality of the French was their ability to make friends and live in harmony with the Indians, in many instances even to the point of intermarriage. Neither the British who succeeded them, nor the Americans who later took over the country, were able or willing to match the French in harmonious relationship with the red man. But these qualities, however splendid, were not sufficient to hold the country for the crown of France. The French failed to settle the inland country, largely through the weak colonial policy of their king; the scattered outposts along the Illinois, the Wabash, and the Mississippi rivers were considered too feeble to hold out against the aggression of the British, once Canada had been lost. By the Treaty of Paris in 1763, the entire French Northwest was handed over to the British.

The British, during their occupation of Illinois, made no conspicuous contribution to the progress of the territory. To England, America was valuable only as a source of supply for needed raw materials, and as a market for its manufactured goods. Settlement in the newly acquired territory was prohibited, in order to protect the valuable fur trade.

The seizure of Kaskaskia by George Rogers Clark and his backwoods Virginian soldiers, in 1778—in the very midst of the Revolutionary War—put the Illinois country in the hands of the Colony of Virginia. In the same year, the County of Illinois was created, embracing the area from the Ohio River to the Illinois, with the Mississippi as the western boundary, and an indeterminate northern limit in the Great Lakes region.¹² Virginia ceded the Illinois country to the Continental Congress in 1784, but action on the cession was delayed, and before a government could be established, the Ordinance of 1787 was passed, creating the Northwest Territory. The appointed governor, Arthur St. Clair, a general in the Continental Army, did not arrive in Illinois until 1790. One of his first acts was to erect the county of St. Clair, which extended from the Ohio River to the Illinois, and from the Mississippi to a line drawn from the mouth of the Michillimackinac

12. *Statutes at Large* (Virginia), ed. William Waller Hening (New York: R. W., and G. Bartow, 1823), IX, 532. For a reprint of the Act, and the history of its passage, see *Cahokia Records*, ed. Clarence W. Alvord in *Illinois Historical Collections II*, Virginia Series I (Springfield: Illinois State Historical Library, 1907), p. 9.

Historical Sketch

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7. Bateman, Selby, and Strange, op. cit., p. 649, 651.

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Historical Sketch

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Historical Sketch

with a nasal twang and the neighbor who had trekked over the mountains from the upland of Carolina might talk with a drawl, but between them was a common bond of a great experience and of the acceptance of a mode of life: debt, hardship, independence—a dozen things bound them together and made them brothers when contrasted with the Northern merchant or Southern planter back East. And the Mississippi, 'the river,' 'Ol' Man River,' bound them again."²⁰

They came in flatboats and sailboats over the Ohio and Mississippi rivers; over the Cumberland Road and lesser trails on horseback or in wagons driven by a yoke of oxen at the rate of one and a half miles per hour.²¹ In rainy weather the dirt roads became impassable and the travellers camped by the wayside, patiently waiting for more propitious weather. An improved road in those days was called a "corduroy"; such construction consisted of logs thrown down at right angles to the line of travel over the swampy and muddy portions. The chief ports of entry to Illinois in the early years were Shawneetown and Kaskaskia; from there the newcomers branched out to the north, west, and east, into the vast, empty regions of Illinois. Christiana Tillson, one of the indomitable pioneer women, and the writer of a valuable little book of reminiscences of a pioneer wife and mother, relates how she and her family spent seven and a half weeks travelling from Connecticut to her new home in Montgomery County.²² Speaking of the type of person who pioneered in Illinois in the early years, John Reynolds, himself a pioneer, and later governor of Illinois and author of historical works on the state, says of them: "The pioneers were exceedingly kind and friendly when a log cabin was to be raised. . . . The hands on the ground handed up the logs, and the cabins were generally covered before night . . ." and "Although the pioneers knew little and cared less about literature, yet, they entertained just and sound principles of liberty. No people delighted in the free and full enjoyment of a free government more than they did. . . . This idea of liberty gave them a personal independence, and confidence in themselves that marked their actions through life."²³

The cabins they lived in were built of logs, the wide cracks chinked and daubed with mud. The heating and cooking facilities were supplied by wide, open fireplaces with wooden chimneys. The cabin was almost universally a one-room dwelling in which the whole family lived; a hole crudely cut in a wall and generally covered with oiled paper instead of glass, served for a window.²⁴ The floors were either of earth or smoothed-off split logs; furniture was homemade, crude but useful. Two of the most important articles of furniture were the spinning wheel and the loom, for, especially before 1818, almost all the clothing worn by the pioneers was made at home of flax, wool, or cotton, and prepared by themselves.²⁵ The skins of animals also, were

20. James Truslow Adams, *The Epic of America*, (Boston: Little, Brown and Company, 1934), p. 154.

21. Perrin, op. cit., p. 183.

22. *A Woman's Story of Pioneer Illinois*, p. 136.

23. *My Own Times*, p. 40, 41.

24. Bateman, Selby, and Strange, op. cit., p. 673.

25. Reynolds, op. cit., p. 44.

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dressed and fashioned into coats, breeches, and shirts. The pioneer wife and mother, in addition to her many other tasks, undertook the manufacture of clothing for the whole family. Upon her also depended the planting and tending of the garden, and the drying and preserving of fruits and vegetables for winter use. She played fully as important a part in the winning of the West as did her mate. Her work and responsibilities required strength, patience, and courage equal to that of the man beside her. The love of liberty and the vigor and progressiveness of the West which became such a potent force in the political, economic, and cultural life of the nation sprang from the characters of those men and women.

There were times when food was neither plentiful nor varied. While most immigrating families brought with them provisions enough to last until the first crops and gardens could yield a new supply, spoilage, an accident to the store, or a failure of the crop, could cause severe hardship to the settler just establishing himself. "At times they were forced to hunt game to sustain their families, . . . when they needed meal, and the mills were dry, they pounded the corn in mortars into meal or eat potatoes, if they were grown, without bread."²⁶

Wild animals such as the bear, buffalo, deer, wildcat, panther, wolf, fox, otter, beaver, muskrat, and mink furnished additional sources of food and clothing, and provided the peltries and skins which were the accepted medium of exchange for salt, sugar, and other indispensable manufactured articles.²⁷ While the region was still in its wild state the settlers were plagued by insects, a serious problem to them and a torment to the farm animals; with the increase in land cultivation, the insects disappeared.

Although life was hard, the country drew to it the people able to conquer the hardships. The "far west," and Illinois in particular, was becoming a magnet to those in the old states who loved independence and who had the will and stamina for pioneering. By 1837, the Reverend John Mason Peck, a pioneer missionary in the west, and author, among other books, of "A Gazetteer of Illinois," and "Guide for Emigrants to the West," had this to say of Illinois: "No state in the 'Great West' has attracted so much attention, and elicited so many enquiries from those who desire to avail themselves of the advantages of a settlement in a new and rising country, as that of Illinois; and none is filling up so rapidly with an emigrating population from all parts of the United States and several kingdoms of Europe."²⁸ For the benefit of prospective settlers, he figured out the cost of starting an independent existence in Illinois as follows: Cost of a 320 acre tract of government land at \$1.25 per acre, \$400.00; breaking up 160 acres of prairie, \$2.00 per acre, \$320.00; "fencing it into four fields with a Kentucky fence of eight rails high, with cross stakes," \$175.00; cost of cabins, corncribs, stables, etc., \$250.00; total cost of farm, \$1,145.00.²⁹ This was written in 1836, about midway in the transition of Illinois

26. Reynolds, op. cit., p. 40.

27. Bateman, Selby, and Strange, op. cit., p. 647.

28. *A Gazetteer of Illinois* (Philadelphia: Grigg and Elliott, 1837), p. vi.

29. *Guide for Emigrants to the West* (Boston: Gould, Kendall & Lincoln, 1836), p. 313.

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and the middle west from the primitive civilization of the wooden plow of 1800, to the tremendous advances of the industrial and cultural civilization of the 1870's. The American dream of liberty and opportunity was finding its full expression in the west even at this early date.

From 1819 on, the growth of population in the Montgomery region was as rapid as transportation would allow. By that time, as previously stated, the Indians were no longer either a menace or a problem. There was nothing but the constantly lessening distance from older settlements, and the physical difficulties of the journey to restrain from peopling the region.

The first white settlement in the Montgomery region was made in the year 1816 or 1817 on Hurricane Creek in the extreme northern part of the county. Among the settlers were Joseph Williams, Henry Pyatt, William McDavid, John and Henry Hill, Jesse Johnson, Henry Sears, Aaron Case, Harris Reavis, Joseph and Charles Wright, Easton Whitten. John Kirkpatrick, Henry Rowe, John Russell, David Bradford, E. Gwinn, and others. Emigrants from Kentucky and Tennessee settled in the present Hillsboro Township in 1817-18. Among them were Melcher Fogleman, Israel Seward, James Street, Luke Steel, John McPhail, Israel Butler, the Harkeys, Jesse Townsend, Jarvis Forehan, and Gordon Crandall. Hiram Rountree, who became an active participant in county affairs, settled in the same section in 1821 and spent the remainder of his life there. The present township of Fillmore was settled about 1820 by colonists from Kentucky, among whom were James Card, Thomas J. Todd, John Alexander, and others.³⁰

Among the earliest settlers in Montgomery were a number of veterans of the Revolutionary War. In the applications for the veterans' pension which was granted these old soldiers by an act of Congress in 1832,³¹ is contained much personal and historical information about the contenders in that epic struggle, which throws interesting sidelights on the previous lives of these men whose labors went into the building of a new state. Jacob Sights, a resident of Bostic settlement in Montgomery County, had enlisted in the Continental Army from Philadelphia in 1776, and served in Captain Plunket's Company of Light Dragoons of the Pennsylvania line. He was in the battles of White Plains, Trenton, Princeton, Brandywine, Germantown, and Monmouth. "After the battle of Monmouth General Washington detached Blau's and White's regiments of Dragoons to guard the line between the White Plains and New York, after arriving at the place of destination, Sergt. Engard was detached with a sergt. corporal, and twenty-four men, near Kings Bridge being halted at a house near said place. The said Jacob Sights, being one of the twenty-four men taking some refreshments, the whole company were surrounded by the British and made prisoners and taken to New York and put in prisons for nine months and then put on board a prison ship and sailed for Charleston, South Carolina. . . . While there, the said Jacob Sights, being sent out for wood, made his escape through the swamp and travelled three days without food: . . . and after much toil and suffering was taken

30. Perrin, *op. cit.*, p. 181.

31. County Court Record, v. A, p. 133.

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prisoner on Broad River, by the Tories . . .³²

Ezra Bostic declared that he enlisted from Anson County, North Carolina, in 1780, and was discharged in 1782. Thomas Craig, senior, entered the United States Army in 1781, and marched against the British and the Tories through the State of North Carolina. He re-enlisted as an Indian spy and served on the frontiers of the Cherokee Indian country on the Noluchucky River. There were also Wooten Harris, Henry Briane, James Richardson, Thomas Brockman, and Benjamin Gordon; John Liggit served in Washington's Regiment of Horse and was acquainted with General LaFayette, General Morgan, and Colonel Pickens.³³

CIVIL AND POLITICAL DEVELOPMENT

Organization of the County

At the time of its organization into a separate unit, Montgomery, as we have seen, was contained almost entirely within the old county of Bond. In 1821, the settlers, of whom there were only several hundred,³⁴ signed a petition to the legislature asking for the organization of Montgomery into a separate county. John Tillson, with Israel Seward, Hiram Rountree, and Eleazer Townsend, carried the petition to Vandalia,³⁵ and on February 12, 1821, the legislature passed "An Act forming a new County out of the County of Bond."³⁶ In that year the State of Illinois was only two years old, with Shadrach Bond presiding as its first governor. In the same year, Mexico revolted and declared her independence, and two years later, James Monroe, the fourth president of the United States, formulated the famous doctrine of sovereignty for the Americas, which bears his name, and which has remained to this day a vital part of our foreign policy.

The enabling act creating the county defined the boundaries of Montgomery,³⁷ and appointed Melcher Fogleman, Joseph Wright, and James Street as commissioners to locate the seat of justice for the county, with the usual provision that the proprietors of the site were to donate to the county a tract of not less than twenty acres of land, part of which was to be sold, and the proceeds used to erect the neces-

32. County Court Record, v. A, p. 133, 134.

33. Ibid., p. 134-145, 147, 182.

34. Perrin, op. cit., p. 186.

35. Tillson, op. cit., p. 15.

36. L. 1821, p. 142.

37. Ibid. "Beginning at the southeast corner of section number twenty-four, in township seven north, of range number two west of the third principal meridian, thence west eighteen miles to the southwest corner of section north, of range number five west, thence to the southwest corner of said west, thence south to the southeast corner of township number seven north, of range number five west, thence to the southwest corner of said township, thence north to the northwest of township twelve north, thence east twenty-four miles to the northeast corner of township twelve north, range two west, thence south to the beginning . . ."

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sary public buildings.³⁸ The county was to be a part of the first judicial circuit of the state.³⁹

The commissioners, having considered several locations, met in the house of Joseph McAdams and decided on a site known as "McAdams' Place," about three miles southwest of Hillsboro.⁴⁰ The town laid out was called Hamilton; streets were surveyed, lots sold, and contracts let for the erection of public buildings.⁴¹ Strong objections, however, were raised against the site on the grounds that it was neither the geographical center of the county, nor the center of its population. One of the commissioners, Joseph Wright, refused to sign the report of the commissioners.⁴² The controversy became so heated that the legislature, on January 31, 1823, passed another act to establish a permanent seat of justice for the county.⁴³ This act named Elijah C. Berry, Silas Lee Wait, and Aaron Armstrong as commissioners to establish a permanent seat of justice, and further provided that in case the seat of justice were removed from Hamilton the "... county commissioners, with the consent of other contracting parties, may rescind all contracts made with purchasers of property in the town of Hamilton, and refund all money which has been received for property sold in the town of Hamilton; and all contracts made for the purpose of erecting public buildings and making public improvements in the town of Hamilton."⁴⁴ The new commissioners decided on a site located on public land, which was later named Hillsboro. The county at the time lacked the necessary funds to purchase the land from the government, but Newton Coffey, a settler living in the southern part of the county and possessed of some capital, was induced to acquire it. He made the required donation of twenty acres to the county,⁴⁵ and on August 5, 1823, the court ordered the county surveyor to lay out the site of the permanent seat of justice.⁴⁶

Since its creation the boundaries of Montgomery County had undergone two major changes. The first change came with the act creating Shelby County, approved January 23, 1827,⁴⁷ which added to Montgomery the north half of township nine and all of townships ten, eleven, and twelve north in range one, west. The act establishing the counties of Menard, Logan, and Dane, approved February 15, 1839,⁴⁸ gave Dane—the name was changed to Christian in 1840⁴⁹—that part of Montgomery in townships eleven and twelve, north, in ranges one, two, and three, west, and east half of those townships in range four, west. In the "Act to attach to Madison County a certain tract of

38. L. 1821, p. 142.

39. Ibid., p. 143.

40. Perrin, op. cit., p. 187.

41. County Court Record, v. A, p. 3, 14.

42. Perrin, loc. cit.

43. L. 1823, p. 110.

44. Ibid.

45. Perrin, op. cit., p. 187.

46. County Court Record, v. A, p. 21.

47. R. L. 1826-27, p. 115, 116, 117.

48. L. 1839, p. 104, 105.

49. Ibid., p. 80.

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country lying between Greene and Montgomery counties and north of Madison County," approved January 3, 1825, the area given to Madison was described as "beginning at the northwest corner of section two, township six, range eight, thence north eighteen miles, thence east twenty miles, thence south eighteen miles, on the line of Montgomery."⁵⁰ A comparison between this boundary and the boundary of Montgomery County shows that "on the line of Montgomery" was an error as it would be six miles east thereof. The error was discovered and corrected by a bill in the General Assembly approved January 19, 1826, for "An Act explanatory of An Act to attach to Madison County a certain tract of country lying between Greene and Montgomery counties and north of Madison County," in which the provision was made that it should "not be so construed as to attach to Madison County any part of the county of Montgomery."⁵¹ Since the creation of Dane (Christian) County, the boundaries of Montgomery have remained unchanged.

Government

The governing body of the county at the time of the creation of Montgomery was the county commissioners' court, provided for by the Constitution of 1818. The court was composed of three members, and its functions were limited to the administration of county affairs.⁵² The first meeting of the county commissioners' court in the newly organized county was held in the house of John McAdams on April 7, 1821. The court was composed of John Beck, John McAdams, and John Seward.⁵³ At that session the court appointed Hiram Rountree as court clerk, and he posted a bond of \$1,000. This appointment and the order to the surveyor to survey the county seat was the only business transacted at that session.⁵⁴ At the next session held on June 3, the court appointed John Tillson county treasurer; Joel Wright and Eleazer N. Townsend were chosen as sheriff and probate judge respectively; and three school trustees for each of the four school districts were named. The court then levied a one-half per cent tax on the valuation of horses, cattle, and carriages, and adjourned until the next regular term.⁵⁵ On September 3, 1821, the court divided the county into three election districts named Fork, Hamilton, and Hurricane townships. John Seward, Israel Seward, and John B. Seward were appointed to view a road from Hamilton to the county seat of Sangamon County, and two overseers of the poor for each of the three townships were appointed to care for the indigent.⁵⁶

For the next two decades, the chief concern of the county—surpassing the licensing of businesses and even the assessment of property and the collection of taxes—was the development of roads. Pass-

50. L. 1824-26, p. 53.

51. L. 1826, p. 54.

52. Constitution of 1818, Schedule, sec. 4.

53. County Court Record, v. A, p. 1.

54. Ibid., p. 1, 3.

55. Ibid., p. 3.

56. Ibid., p. 5-7.

able roads furnished the only means available to the settlers for communicating with each other and the outside world, and still more important, provided the only link between the producing farmer and his market. It was necessary that every portion of the county be served by roads, and that they be kept up as well as possible. In a region where there were no tracks but game trails, this was an undertaking of tremendous proportions. The record shows meeting after meeting of the commissioners' court devoted to the consideration of detailed reports of the "viewers"—men sent out by the court to determine the best location for roads so as to be of advantage to the largest number of persons, and at the same time avoid the worst sloughs and most dangerous spots in the contours of the land. Roads were located, vacated, and moved to more favorable locations as cultivation increased and new communities grew up; the settlers were called upon to give their labor and materials for upkeep; road districts were established, and supervisors appointed to see that the condition of the roads was as good as might be. The commissioners' court took seriously their duties with regard to the roads of the county.

If the court was serious in its intent and conscientious in the performance of its duties, no air of heavy solemnity characterized those early meetings. Sessions of court provided one of the chief diversions for the county-seat towns of that day, and Hillsboro was no exception. The circuit court, especially if a much-talked-of case were to come up, or a favorite lawyer to appear, was a stronger attraction than the less exciting commissioners' court. In a county where the people were few in number and widely scattered, the officers of the court, the attorneys, the jurymen, the principals in the case, and the witnesses, were likely all to be neighbors. The little log court house generally was thronged. The taverns were full, with horses tied to every hitching rack; sometimes whole families drove to town for the session, camping out if the season permitted, or visiting friends and relatives and making holiday.

The Honorable John Reynolds, who was circuit judge of the first judicial circuit, to which Montgomery County was attached, wrote of the total lack of formality between public officials and the citizens in these early days. The sheriff of Washington County was Bowling Green, who had been a ranger in the same company with the judge. As he opened court, "... he was sitting astride on a bench in the court-house, and proclaimed without rising, that the court is now opened, John is on the bench."⁵⁷

Reminiscing about early public officials, A. H. H. Rountree wrote in 1873: "It is worthy to remark, that until 1840, politics had little or nothing to do with the election of county officers. It is true that the officers were mostly of Jackson Democracy; still fitness and capability were the chief motives, while personal popularity gave us more officers who were unfit, than politics; but even then the officers were usually good men."⁵⁸

The county commissioners' court continued as the administrative

57. *My Own Times*, p. 138.

58. Bateman, Selby, and Strange, *op. cit.*, p. 656.

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body of the county until 1849, when by a legislative provision enacted under the authority of the new Constitution of 1843,⁵⁹ and affecting all counties in the state, a county judge with two justices of the peace, sitting as a county court, was declared to possess all jurisdiction and power as conferred on the county commissioners' court.⁶⁰ At its meeting on December 3, 1849, the newly elected county court of Montgomery was composed of Joseph H. Ralston, judge, with Austin Whitten and Eli Deshane as associate justices.⁶¹ Although the Constitution of 1843 had provided that the counties might, if they were so minded, elect to be governed under a township form of government,⁶² the administration of Montgomery County remained in the hands of the county court until that body was abolished by the Constitution of 1870.

The Constitution of 1870 also gave the county electorates a choice between two forms of government: a board of county commissioners composed of three members elected at large in the county, or a board of supervisors elected one from each township.⁶³ As the relative merits of a board of county commissioners and the more decentralized form of township organization was discussed in Montgomery County, a movement grew for an expression of the voters on the question. A petition signed by more than fifty voters of the county, asking that the matter of township organization be submitted to the citizens at the next general election, was presented to the court in 1872.⁶⁴ At the election held on the fifth of November of that year, township organization won; the county court, as one of its last acts, appointed H. H. Hood, James M. Berry, and John T. McDavid to act as a committee to divide the county into townships.⁶⁵ On March 3, 1873, the committee brought in its report, having divided the county into sixteen townships, which they had named Audubon, Fillmore, Witt, Nokomis, East Fork, Irving, Rountree, Hillsboro, Butler Grove, Raymond, Walshville, South Litchfield, North Litchfield, Zanesville, Harvel, and Bois d'Arc.⁶⁶

The new supervisors, having been duly elected in their respective townships, held their first meeting in the court house at Hillsboro on May 8, 1873, with John H. Beatty as chairman.⁶⁷ Since that date there has been no change in the administrative body of the county, although the number of supervisors has increased from sixteen to nineteen with the addition of the townships of Grisham, Pitman, and South Fillmore. The functions of the board have likewise expanded to meet the diverse needs of an increasingly complex civilization.

The Court House

Until the erection of a court house the courts were held in the house of Joseph McAdams in Hamilton and later in the house of Luke

59. Constitution of 1848, Article V, sec. 16, 17, 19.

60. **L. 1849**, p. 65, 66.

61. County Court Record, v. 1, p. 1.

62. Constitution of 1848, Art. VII, sec. 6.

63. Constitution of 1870, Art. X, sec. 5, 6; **L. 1873-74**, p. 79, 80

64. County Court Record, v. D, p. 403.

65. *Ibid.*, p. 405, 423.

66. *Ibid.*, p. 425.

67. Supervisors' Record, v. A, p. 1.

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Lea Steel in Hillsboro.⁶⁸ A contract for building the first court house, to cost \$185.00, was awarded to John Seward and John B. Seward on April 4, 1822.⁶⁹ Because of the controversy over the county seat, that court house was never built, and the contract was cancelled.⁷⁰ After the selection of Hillsboro as the permanent county seat the court, on August 5, 1823, entered into a contract with Luke Lea Steel to build a court house at a cost of \$344.53 $\frac{1}{3}$.⁷¹ The specifications as ordered by the court were for a two-story house of hewn logs, twenty-four feet by twenty feet, the lower story to be eight feet between ceiling and floor, and the second story six feet clear of the roof; two doors below; two windows; two good plank floors laid down rough; a shingled roof; and the cracks to be closely chinked and plastered with mud. The building was to be completed by the first of December.⁷² On March 1, 1824, the first session was held in the new court house.⁷³

This first court house served the county for twelve years. By 1833 the growth of population with its corresponding increase of county business had rendered the little structure inadequate. A contract was let for a more commodious building,⁷⁴ which was ready to receive the officers and their records by April, 1835,⁷⁵ and the log building was put up for sale. This court house is the one in use today, though it is doubtful if any of the men who walked through its corridors in 1835 would recognize its outlines, so extensive have been the remodellings and additions made upon it.⁷⁶ At one time, just after the Civil War, a new court house might have been built. But about the time the county board was considering the venture, considerable agitation arose in the county for the removal of the county seat to Litchfield. Unwilling to undertake a project that might come to nothing, the board determined upon a remodelling only.⁷⁷ The labor occupied four years' time, and the court house emerged completely rebuilt. Since 1872, the only changes have been repairs, interior alterations, and the building of an addition.

ECONOMIC DEVELOPMENT

Transportation

The development of Montgomery County from an expanse of forest and prairie, to a highly cultivated and richly productive region dotted with towns and villages, has progressed in proportion to the increase in transportation facilities. The importance of transportation and intercommunication was, from the earliest years, universally recognized by American pioneers wherever they settled. Not only was

68. Perrin, *op. cit.*, p. 187.

69. County Court Record, v. A, p. 14.

70. *Ibid.*

71. *Ibid.*, p. 24, 44.

72. *Ibid.*, p. 21.

73. *Ibid.*, p. 24.

74. *Ibid.*, p. 168.

75. *Ibid.*, p. 199.

76. For the details of these changes see Housing, Care, and Accessibility of Records, this Inventory, p. 63, 64.

77. County Court Record, v. D, p. 44.

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the development and enjoyment of the democratic way of life, which they so desired, dependent on the common efforts of communities—which would have been precluded were they to remain in isolation from each other—but economic progress, as well as social and cultural advancement, would be impossible without trade and ready interchange of products. Settlement, conquest, and development of the West occurred simultaneously with the building of roads, canals, and steam railroads.

It has been noted that one of the first and most energetically prosecuted activities of the county officials was the laying out of roads and the building of bridges. It is significant that the first roads designated were to connect Hamilton with the county seats of nearby Sangamon, Fayette, Bond, and Madison counties.⁷⁸ Accepting petitions from citizens for new roads, appointments of viewers, and the hearing of their reports were among the most important transactions of the early courts.⁷⁹ The inhabitants within the road districts each year were required to work a specified number of days on the roads. In 1833, each taxable, able-bodied male inhabitant was required to contribute one day of labor for every one hundred dollars worth of taxable property in his possession.⁸⁰ The state and county acted jointly in surveying and laying out roads for intercounty communication. In 1829 the legislature appointed viewers to survey a road from Hillsboro to Paris in Edgar County.⁸¹ The roads from Hillsboro to Greenville and from Hillsboro to Alton were declared state roads by the legislature in 1833.⁸²

The first mention of a bridge built in the county is contained in the county record of March 22, 1825. W. H. Loomis and John Mysenhamer were appointed by the court to superintend the building of a bridge across the Middle Fork of Shoal Creek on the road to Sangamon County.⁸³ The West Fork bridge and a bridge across the East Fork on the road to Vandalia were built in 1839.⁸⁴

The early primitive dirt roads which often became impassable in rainy weather were obviously limited in their value to the inhabitants. From the beginning, therefore, emphasis in Montgomery County has been placed on the constant improvement of roads, until today a map of the county shows a network of well-kept earth and gravel roads and paved highways. Of these some are built and maintained by funds derived from the county road tax, others by county money supplemented by state-aid funds, and the most important ones by state-bond-issue funds. By 1935 a total of 237 miles of state-aid and secondary roads was in use in the county.⁸⁵ A diagonal highway of the state-bond-issues type connects Ohlman and Nokomis, in the northeastern part of the county, with Hillsboro, and continues to Donnellson on the southern boundary line; another enters the county above Thomasville

78. County Court Record, v. A, p. 5.

79. Ibid., p. 11, 29, 48.

80. Ibid., p. 167.

81. L. 1829, p. 128.

82. L. 1833, p. 155, 181.

83. County Court Record, v. A, p. 46.

84. Ibid., p. 281, 297.

85. Farm, Home and Community, p. 52.

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in the northwestern corner, and runs almost the length of the county, through Litchfield, and in a southwesterly direction into Macoupin County. A cross-county highway, partially maintained by state-bond-issue funds, runs from Litchfield to Hillsboro, and through Schram City eastward to the Shelby County line. From Harvel, in the Christian County corner, a highway which is partially state-bond-issue and partly state-aid, proceeds in a generally diagonal route to Hillsboro, and southeasterly to Coffeen. The township or county roads connect with these main highways in such a way that no community in the county lacks transportation facilities.⁸⁶

One of the most potent factors in the building of the county was the coming of the railroads. The Terre Haute and Alton, now known as the Big Four Railroad, was incorporated in 1851,⁸⁷ and was completed through Montgomery County in 1855.⁸⁸ The history of that road goes back to the famous Internal Improvements Act passed by the General Assembly in 1837.⁸⁹ One of the provisions of the act was that all planned improvements, including the building of the Terre Haute and Alton, were to commence simultaneously throughout the state. Some preliminary work on this road was done, but with the collapse of the Internal Improvements scheme in 1838-39,⁹⁰ further work was abandoned until the plan for the road was revived some twelve years later. When the railroad was completed to Terre Haute the first direct connection was established between Montgomery County and the Atlantic seaboard. The county subscribed to the stock of the railroad to the amount of \$50,000,⁹¹ which was sold eventually to eastern capitalists.⁹²

Running through the county today are the Illinois Central system; the Toledo, Peoria and Western; the Chicago, Burlington and Quincy; the Wabash; the Cleveland, Cincinnati, Chicago and St. Louis railroads; by 1918, the combined mileage of these roads amounted to about two hundred miles.⁹³

Agriculture

Since Montgomery is essentially an agricultural county, it was to the farmers that the improvement of highways and the building of the railroads were most important. The predominant types of farming in the county are general farming, dairying, and animal specialties. In 1929 general farms constituted 44 per cent of the total number; dairy farms, 20.6 per cent; and animal specialties, 11.1 per cent.⁹⁴ Of the grains, corn has remained since the early days the principal crop, occupying, in 1929, 24.1 per cent of all land under cultivation in the

86. See Official Map of Montgomery County (Springfield: State of Illinois, Department of Public Works and Buildings, Division of Highways).

87. **L.1851**, p. 29.

88. Bateman, Selby, and Strange, op. cit., p. 798.

89. **L.1837**, p. 121-51.

90. Reynolds, op. cit., p. 324, 325.

91. County Court Record, v. 1, p. 59, 75, 87.

92. Perrin, op. cit., p. 202, 203.

93. Bateman, Selby, and Strange, op. cit., p. 798, 799.

94. **Farm, Home and Community**, p. 49.

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county.⁹⁵ As in the rest of the state, there is a definite trend in Montgomery County toward increased acreage in soybean cultivation. In 1922, there were only 5,000 acres of soybeans; a constant yearly increase of that readily marketable product brought the soybean acreage in the county to 29,400 in 1934.⁹⁶ The average yield for crops in the county over a period of ten years, 1924-1933, was as follows: bushels of corn per acre, 26.5; oats, 24.5; barley, 21.9; tons per acre of tame hay, 1.10.⁹⁷ The back-to-the-farm movement in the county was given considerable impetus by the economic depression occurring between 1930 and 1935. In 1930 there were 2,881 farms in operation, comprising 88.4 per cent of the land; in 1935, the number of farms increased to 3,166, comprising 93.9 per cent.⁹⁸ Owners operated 43.9 per cent of the farms in 1930, while 55.3 per cent were operated by tenants, and .8 per cent by managers.⁹⁹ The average taxes on land and buildings in 1939 was ninety-four cents per acre.¹⁰⁰

Industries

It is to be expected that in an agricultural county such as Montgomery few other industries would attain to large proportions; also that scattered, small-scale industries would either consolidate or die out altogether as good transportation facilities brought the larger industrial centers of the state within easy reach of the people. The first industries to be established in Montgomery in the early pioneer days were taverns and general stores. These were licensed by the county board, the fees, which were from \$3.00 to \$6.00 per year for taverns, and from \$10.00 to \$12.00 for retail businesses,¹⁰¹ contributing to the county revenue. One of the first store licenses was issued in March, 1822, to Robert Anderson, permitting him to retail "spirits and such other articles as he may deem fit," at the house of Aron Hale in Hillsboro. This was one of the few places where liquor was sold that was "not intended for the entertaining of persons for lodging or keeping of horses."¹⁰² Ordinarily taverns were public service enterprises comparable to our modern hotels. Travelers depended on them for food and accommodations for themselves and their beasts; the rates chargeable by taverns were fixed by the court. A schedule of rates fixed in Montgomery County in 1823, permitted the tavern keeper to demand and receive the following amounts:¹⁰³

Whiskey, per half pint.....	.18¾
Breakfast, dinner and supper, each.....	.25
Horse, per night.....	.50
Per single feed.....	.25
Rum, Wine and French brandy, ½ pt.....	.50
Cider, per quart.....	.25

95. **Farm, Home and Community**, p. 16.

96. *Ibid.*, p. 33.

97. *Ibid.*, p. 17.

98. *Ibid.*, p. 3.

99. *Ibid.*, p. 51.

100. *Ibid.*, p. 52.

101. County Court Record, v. A, p. 25, 53, 105, 198.

102. *Ibid.*, p. 12.

103. *Ibid.*, p. 18.

Lodging for man..... 12½

The picture presented by Hillsboro is characteristic of the growth of early local industries. In 1836-37, the town had six merchandise stores, two taverns, three blacksmiths, three carpenters, one cabinet maker, two physicians, two tanneries, one shoemaker, two tailors, one tinner, and a post office. These were supported by a village population of about three hundred and fifty inhabitants,¹⁰⁴ plus a large hinterland.

For a later period, Litchfield is typical of the small city with diversified independent industries; during the 1890's, when its population was about 5,000, it supported several flour mills, a can factory, foundry and machine shops, a broom factory, a brick and tile plant, and a factory for making gas lamps.¹⁰⁵ Some of these industries have persisted to the present, but the aggregate of them has added little to the total wealth of the county compared with its agricultural products.

Aside from agriculture, the only industry that has attained significant proportions is the mining of coal. Veins of coal were early discovered along Shoal Creek, on the south county line near Donnellson, and east of Litchfield, and were worked on a small scale for neighborhood purchasers. The idea of commercial production was late in developing. As recent as 1880 the difficulty of extracting the coal was thought to preclude coal mining for any purpose but local consumption.¹⁰⁶ With the development of railroad facilities, however, the possibilities of the mining industry expanded rapidly. Mines were opened throughout the county; among the most productive were those at Litchfield, including one mine within the corporate limits; on the Bond County line; at Nokomis in the northern part of the county; and in the vicinity of Hillsboro. By 1917 Montgomery ranked ninth in the coal-producing counties of the state.¹⁰⁷ In 1937, the three operating shipping coal mines situated near Hillsboro and Nokomis, produced a total of 928,598 tons of coal.¹⁰⁸ This was a considerable drop from the boom period of 1929, when 1,866,886 tons were mined.¹⁰⁹

According to the 1930 census, the total number of persons employed in the county in all manufacturing industries was 3,785, of which 1,497 were employed in mines, 687 in metals, and 676 in miscellaneous industries. The total number for that year employed in all industries including agriculture, and the wholesale and retail trades was 12,398. The value of the manufacturing industries in 1935 was \$3,429,911.¹¹⁰

County Business

The fiscal affairs of the county reflect the general economic and social changes. The earliest financial report, that for 1823, presented

104. Peck, *A Gazetteer of Illinois*, p. 220.

105. Bateman, Selby, and Strange, op. cit., I, 340.

106. Perrin, op. cit., p. 176, 177.

107. Ernest Ludlow Bogart and Charles Manfred Thompson, *The Industrial State* (Chicago: A. C. McClurg & Co., 1922), p. 423.

108. *Coal Report, Illinois, 1937*, p. 79, 80.

109. *Ibid.*, p. 86, 87.

110. *Survey of Illinois, 1935* (Washington: Resettlement Administration, type-written), table E.

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a balance in the county treasury of \$81.98.¹¹¹ In 1823 the tax rate was fifty cents on every \$100 valuation of property. The taxable properties were horses, cattle over two years old, iron-bound wheel carriages, clocks, watches, deeded town lots, negroes and mulattoes,¹¹² and distilleries.¹¹³ In 1834, there were 530 taxable persons in the county, whose tax assessments amounted to \$492.06½.¹¹⁴ With the completion of the railroad, property values and tax yields took a sudden, sharp upswing. In 1855, the total value of railroad properties in Montgomery was \$865,-915.00, which yielded a tax to the state, schools and county of \$9,265.20. In the same year the value of real and personal property amounted to \$1,997,152.00, taxed for \$21,631.85.¹¹⁵

After 1855, the first data on property valuation and assessments available for comparison with the earliest reports given in the records of the county, showed that in 1901 the total value of assessed lands, improved and unimproved, was \$3,065,248.¹¹⁶ In 1919 the assessed value of personal property was given as \$5,339,472; the assessed value of lands was \$13,108,802, and of town and city lots, \$3,621,155.¹¹⁷ The total of all taxable property in the county increased \$20,072,277 in the period of 64 years. The income from this increase in the taxable wealth of the county was a basis for important social developments in the county. But there were even more significant increases in taxable wealth of the county from 1919 to 1927 when the assessed valuation for all property, state and locally assessed, was given as \$41,257,000. The peak year of property valuation from the time the county was organized to the present, 1939, was 1927; from then on to the present there has been a steady devaluation, not based on depreciation, but on the causes which led to a general economic depression. The drop in property evaluation showed the following changes in assessed valuations: 1928, \$40,264,000; 1931, \$32,383,000; 1933, \$26,787,000; 1934, \$26,-

111. County Court Record, v. A, p. 25.

112. Slavery was introduced into Illinois in 1720 by Philip Francis Renault, a French settler, who brought with him five hundred slaves from San Domingo. The Ordinance of 1787 expressly prohibited slavery in Illinois Territory for the future—the prohibition did not affect slaves belonging to the French. After the organization of the Indiana Territory of which Illinois was a part, the Territorial legislature permitted a form of slavery known as indenture of servants. The indenture was for an agreed number of years, at the expiration of which the slaves were freed. The children of the slaves were to serve their owners until the males reached the age of thirty-five, and the females thirty-two years. The state constitutions of 1818 and 1848 prohibited the extension of slavery; the French, however, were still permitted to hold their slaves until the state Supreme Court in 1845 declared that no slavery could exist in the state. In 1810 there were about 168 slaves in the Illinois Territory; in 1820, 917; in 1830, 746. Reynolds, op. cit., p. 132, 133.

113. County Court Record, v. A, p. 17, 18.

114. Ibid., p. 184.

115. Ibid., v. 1, p. 214, 215.

116. Proceedings of the Illinois State Board of Equalization, Session of 1901, p. 159.

117. First Annual Report of Tax Commission of Illinois, 1919, p. 40, 41.

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764,000; and 1938, \$15,951,224.¹¹⁸ The total value of railroad properties of the county increased from \$865,915 in 1855 to the peak valuation of \$7,795,000 in 1927; it dropped from that high figure to \$5,030,000 in 1934 as a result of the general deflation process. The taxable value of the current wealth of the county dropped below the total assessed value in 1919, which amount was \$22,069,429. The significance of these fluctuations in the values of accumulated wealth is recorded in the annual tax yield which is used to maintain schools, roads, bridges, health programs and other social and collective enterprises of a county community, or administrative unit of state government. Social progress requires stable economic conditions.

SOCIAL DEVELOPMENT

Education

Methods of education among the early settlers of the county were as primitive as their methods of farming and manufacture. Particularly among the emigrants from the south, "book larnin'" was considered an unnecessary adjunct to living, to be indulged in only when there was time left over from the essential occupations. In the more progressive homes, particularly those of northern settlers, the father, mother, or an unmarried relative taught the children to read, write, spell, and do sums in the winter evenings.

But wise provision had been made, at the very birth of the state, for the education of its inhabitants. In the act admitting Illinois into the Union, the United States Congress granted to the state the sixteenth section in every township for the exclusive use of schools.¹¹⁹ The total acreage for the state of the sixteenth sections was 977,457.¹²⁰ Because of a lack of funds in the early years of the counties, these lands were sold and the interest from the proceeds used for school purposes. In a session of the legislature in 1829, one of the arguments used in favor of selling the school lands was that the children of the pioneers who had struggled to build up the country were entitled to benefit from these lands.¹²¹ To obtain funds for the establishment of a school, it was necessary for the inhabitants in any settlement in a county to organize themselves into a school district and employ a teacher. The teacher was required by the school commissioner to keep a list of the number of pupils under his care and a record of their attendance, but he was not required to qualify by an examination. The result of this system was that the majority of the teachers were scarcely more competent to teach children than the relatives who had preceded them.¹²² The first school district in Montgomery County was organized in Hillsboro on September 5, 1825.¹²³ However, a school had existed in the region as early as 1818, before the organization of the county; it was the customary subscription school, each

118. **Sixteenth Annual Report of the Illinois Tax Commission**, Assessment Year 1934, p. 260; **Illinois Tax Commission Report**, Assessment Year 1938.

119. 3 U. S. Stat. L. 428.

120. Peck, **A Gazetteer of Illinois**, p. 65.

121. Reynolds, op. cit., p. 180, 181.

122. Peck, **A Gazetteer of Illinois**, p. 65; Reynolds, op. cit., p. 6.

123. County Court Record, v. A, p. 50.

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patron paying the teacher from \$1.50 to \$2.00 for a term of three months.¹²⁴ Elementary education depended upon this type of school and upon the funds realized from the sale of school lands until 1855, when, in the face of considerable opposition, the legislature passed an act providing for state and local taxation to maintain schools.¹²⁵

Secondary education, as it is known today, was not a part of the public school system, although occasionally a teacher of more than ordinary attainments and ambition taught a smattering of algebra, geometry, or Latin to his advanced pupils. The need for "higher" education was recognized, and was met by the establishment of academies, usually under the auspices of one of the religious denominations, and endowed by private persons. In Montgomery County, John Tillson, together with a few other forward-looking citizens, established the Hillsboro Academy in 1835. Tillson subscribed \$6,000 of the \$8,000 of stock, and in addition donated the land on which the academy was built, guaranteed the teachers their pay, and gave the school a piano and the necessary school apparatus. The architect of the building, which was for that time a magnificent structure, was Doctor Shurtleff, later the founder of Shurtleff College of Alton. When financial reverses made it impossible for Tillson to continue his support, the academy was absorbed by a group of Lutherans who renamed it the Lutheran College. In 1852, the college was removed to Springfield, where it existed for some time under the name of the Illinois University.¹²⁶ The establishment of free high schools after 1870 provided secondary education without cost and gradually replaced the privately endowed academies.

From 1855 on, the development of schools and education in the county was rapid. In that year, the first in which a school tax was levied, the state school tax alone in the county amounted to \$5,726.13.¹²⁷ In 1862, the county employed 148 teachers, and the receipts for school purposes in that year amounted to \$16,394.¹²⁸ In 1881, sixty years after the establishment of the county, there were 136 school districts in Montgomery, and 135 school houses attended by 7,157 pupils. Teachers employed in that year numbered 219, and the estimated value of school property in the county amounted to \$162,275.¹²⁹ By 1934, the value of school property in Montgomery amounted to \$4,253,995; school expenses for that year were \$320,301; school enrollment was 7,653, of which 1,720 pupils were enrolled in high schools. In that year, 372 students graduated from high schools; the average annual attendance of Montgomery County youth in the University of Illinois for the ten-year period 1923-1932 was 64. The result of this increasing emphasis on education is that the percentage of illiteracy in Montgomery County is relatively low. In 1934 only 1.6 per cent of all people in the county were unable to read and write.¹³⁰

124. Perrin, op. cit., p. 195.

125. L. 1855, p. 51-91.

126. Bateman, Selby, and Strange, op. cit., II, 794, 795.

127. County Court Record, v. 1, p. 214, 215.

128. Illinois State Gazetteer and Business Directory, 1864-5 (Chicago: J. C. W. Bailey, 1864), p. 83.

129. Perrin, op. cit., p. 196-197.

130. Farm, Home and Community, p. 60.

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Religious Activities

In contrast with most of the counties formed during territorial days, Montgomery County had religious services, and even a meeting house, early in its history. Many of the early settlers had deep-rooted religious inclinations, though at first there was little opportunity for worship. Occasionally some leading man in a community would preach at a meeting held at one of the homes, and the members of the congregation would offer prayers and testimony. There is a tradition, fairly well substantiated, that the first regular preaching service in the county was held in 1817. The preacher was the Reverend James Street, and the meeting was held in the house of David McCoy in what is now Hillsboro township.¹³¹ The Methodists and Baptists were the first Protestant denominations to establish churches in the state; the first Methodist conference for Illinois was formed in 1803, although congregations and "classes" had met together earlier. The Baptists came in a few years later. It was the latter denomination that built the first church in Montgomery County, in 1818, with the Rev. Henry Sears as its first resident preacher. It was a primitive log structure on the banks of Hurricane Creek; like the cabins of the settlers, its cracks were daubed with mud, and the windows covered with oiled paper. The pews or "benches" were of split logs. Morning, afternoon, and sometimes evening services were held; the settlers drove in from miles around, bringing food with them, and making an all-day occasion of the meeting. Believers were baptized in the waters of the creek. In 1822, a Baptist church was organized at Clear Spring; two years later a Methodist church was established in Hillsboro. As settlements grew into villages and towns, other groups were formed throughout the county.

The adherents of these groups were largely the southern element; the emigrants from the New England states were Presbyterians and Congregationalists. These two denominations, during the first years of the nineteenth century, had an agreement by which they worked together, the same church and minister serving the people of both faiths. In Montgomery County, these groups worshipped under the auspices of the Presbyterian Church. The Reverend Jesse Townsend is reputed to have been the first resident minister; one of the first churches to be built was that in East Fork in 1830, with the Reverend Joel Knight as minister. Waveland had a Presbyterian church in 1848, and Bear Creek in 1857; others were organized as the population of the county increased.

The Lutheran church came into the county with the German settlers. A large number of these people had left their Fatherland in the 1820's and '30's, because of the bad economic conditions prevailing after the end of the Napoleonic wars; coming to Illinois, they settled originally in St. Clair and Fayette counties, and from there spread out over the state. A Lutheran church was established in Hillsboro as early as 1834; the Reverend Daniel Scherer is reputed to have been its first minister. Among other early churches of this faith, are the church at Irving, organized in 1858, and the one at Nokomis, in 1860.

A small group of Unitarians maintained a church in the county

131. Bateman, Selby, and Strange, op. cit., I, 194.

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for a time, but abandoned it about the time of the outbreak of the Civil War.

A group which entered the county somewhat later, and which attained considerable importance in numbers and influence, was the Disciples of Christ, or Christian Church. Between 1853 and 1905, churches were organized in Irving, Litchfield, Sulphur Springs, Raymond, Walshville, Barnett, Harvel, Waggoner, Pleasant Hill, and Hillsboro.

During the early years of the county, the churches provided the chief source of intellectual stimulation, as well as much of the social life of the community. It is true that among the pioneer preachers were untutored, and sometimes fanatical individuals, but there were also men in all denominations who had received excellent training and reached high intellectual attainments in the states from which they had come. The earnestness of their efforts, and their influence on the moral life of the community cannot be gainsaid. The churches were foremost in promoting education for youth; on the issues of slavery, temperance, and even suffrage for women, the attitude of the community was largely determined by the position taken by the churches.¹³²

Public Assistance

One measure of the social advance of a people or a community is the provision made for the care of its less fortunate individuals—the indigent and the physically and mentally handicapped. At the time of the organization of Montgomery County, its paupers were under the supervision of overseers of the poor, one of whom was appointed for each district or precinct by the county commissioners' court. It was the overseers' duty to investigate the cases and report to the court.¹³³ The poor person was given care—consisting of food, shelter, and a minimum amount of clothing—by some person in the county who contracted with the court; the contract was let to the lowest bidder, and the transaction was spoken of as "farming out the paupers."¹³⁴ The only distinction made between the healthy poor, able to work for their "board and keep," and those who were insane, feeble-minded, ill, or crippled, was that the person caring for the handicapped received a larger sum from the county. Thirteen dollars for a quarter of a year was considered fair compensation for the care of a healthy pauper.¹³⁵ Children of poor families were "bound out" by articles of indenture under which they served a specified number of years, and supposedly

132. Sources for this account of religious activities are: Bateman, Selby, and Strange, op. cit., p. 194; Peter Cartwright, **Autobiography of Peter Cartwright, the Backwoods Preacher** (Cincinnati: Cranston and Curtis, 1856; New York: Hunt and Eaton, 1856); Carrie Prudence Kofoid, "Puritan Influences in the Formative Years of Illinois" in **Publication No. 10, Illinois State Historical Library** (Springfield: Illinois State Journal, 1906), p. 261-339; data drawn from church records within the county.

133. **Laws of the Territory of Illinois**, ed. Nathaniel Pope (Kaskaskia: Matthew Duncan, 1815), II, 498; County Court Record, v. A, p. 6, 32.

134. County Court Record, v. A, p. 286.

135. Ibid., p. 129.

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were taught a trade.¹³⁶

As the population of the county increased, and the number of poor increased in proportion, this system was felt to be too cumbersome and expensive to continue. The court decided to congregate the county poor on a farm, and to that end purchased a tract of land for \$900.¹³⁷ For some reason, however, this project never developed. The farm was rented out from the time of its purchase to 1854, when it was sold.¹³⁸ The poor continued to be cared for privately.¹³⁹

The first poor farm on which buildings were erected and the poor of the county actually given care, was purchased in 1874. The farm, a two hundred and sixty-eight acre tract purchased from O. Blackman, is situated in East Fork Township, about three miles south of Hillsboro.¹⁴⁰ The plan was to have the inmates of the farm produce their sustenance by their own labor. At first the poor farm sheltered all types of indigents alike, the insane, feeble-minded, and the sick with the well. Later it became possible, through provisions of state laws, to send the feeble-minded and insane, after their condition had been passed upon by the county court, to institutions designed especially for their care.

The services of a county physician were provided to care for the medical needs of the county's poor, both the residents of the county home and those marginal families whose incomes never quite cover all the necessities. Those cases needing hospitalization are placed in local hospitals, the county assuming the responsibility of the charge. A special tuberculosis sanitarium board arranges for tubercular patients to be cared for in various institutions in the state.

The special needs of the blind were recognized by the state in 1903, when the blind pension was inaugurated.¹⁴¹ Since 1915 the county board of Montgomery has been issuing blind pensions.¹⁴²

Another group for which special provision was made was the indigent mothers of families. By a law enacted in 1913 a mother may receive support for herself and her family to the amount of \$50 a month.¹⁴³ Mothers' pensions have been issued in Montgomery County since 1913, the first decree having been issued December 2, 1913, and the first payment made January 10, 1914. Since that date, 343 mothers have drawn pension money in the county, amounting to \$170,867.36.¹⁴⁴

136. *Ibid.*, p. 500. Indenture of children was not confined to the poor. Any young person could be apprenticed in order to learn a trade. It is mentioned here because it was the usual method of caring for pauper children, and the abuse of the system was greater among that class. It was not unusual for the "bound-children" to be kept for years at menial tasks, and given neither general education nor training in a trade. Edward Eggleston, in *The Hoosier Schoolmaster*, gives an instance of this kind, founded upon fact.

137. *Ibid.*, v. B, p. 272, 276.

138. *Ibid.*, v. 1, p. 27, 148, 151.

139. *Ibid.*, p. 124.

140. Perrin, *op. cit.*, p. 191.

141. **L. 1903**, p. 138.

142. See entries 15, 17, this Inventory.

143. **L. 1913**, p. 127.

144. Figures compiled from mothers' pension records in county clerk's office. See entries 12, 16, 254, 267, this Inventory.

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Until the economic depression of the 1930's the poor in the county were persons who became helpless and dependent on county aid either through age or physical disability. To these the depression years added a class of people who needed temporary relief because of inability to secure employment through regular channels. As a consequence, the whole system of care of the indigent in Montgomery County, as well as throughout the nation, has undergone fundamental changes. The sources of funds for unemployment relief in the county for the year ending June 30, 1936, were Federal funds, 34 per cent; state funds, 62.9 per cent; local funds, 31 per cent. The funds were distributed for direct relief, 78 per cent; work relief, 11.8 per cent; administration, 10.2 per cent.¹⁴⁵ In July, 1934, the number of resident families in Montgomery County receiving relief from public funds were 2,128; it made a sharp drop to 766 families in June, 1936.¹⁴⁶

The Press

The first newspaper published in Montgomery was the *Prairie Beacon of Hillsboro* which began its uncertain career in 1838 under the editorship of Aaron Clapp, an Eastern scholar. The lack of business and industrial support plus the very small circulation obtainable, made the continued publication of the paper unprofitable, and after about a year and a half of precarious life it ceased to exist.¹⁴⁷

For eleven years after the failure of the *Beacon* no newspaper was published in the county. In 1850, two young men, Frank and Cyrus Gilmore, established the *Prairie Mirror* in Hillsboro with Reverend Francis Springer as editor. While owned by the Gilmores the *Mirror* was a Whig paper. The following year when sold to William K. Jackson, with C. D. Dickerson as editor, it became the exponent of the Know-Nothing Party. Since then the paper has undergone a number of changes in name, ownership, and political allegiance. In 1856 the name was changed to the *Montgomery County Herald*, and in 1858 it became politically independent. In 1860, with another change in ownership, the paper became and remained Democratic until 1874. The name was changed to the *Hillsboro Democrat* in 1863 and to the *Anti-Monopolist* in 1874. Three years later, as the *Hillsboro Blade*, its editorial policy veered to the Republican Party. Shortly afterward the name was changed to the *Hillsboro Journal*,¹⁴⁸ under which name it has continued to the present.

The *Illinois Free Press* came into being in Hillsboro in 1859 as a Republican organ, but not meeting with success, it suspended publication in 1862. A year later it was revived as the *Union Monitor*; later, under the ownership of B. S. Hood, it was removed to Litchfield. The *Free Press* existed precariously for a number of years under various owners, but gave up the ghost finally in 1895.¹⁴⁹

In 1869, C. L. and E. T. Bangs, who were previously connected with the *Monitor*, brought out the *Republican News Letter* at Hillsboro. In 1875 it changed hands, was renamed the *Montgomery News*, and

145. *Illinois Emergency Relief Commission, Biennial Report, 1934-36*, p. 209.

146. *Ibid.*, p. 174.

147. Perrin, *op. cit.*, p. 246.

148. *Ibid.*, p. 246, 247.

149. *Ibid.*, p. 247.

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adopted a Democratic policy.¹⁵⁰ The Montgomery News is still being published today.

The Litchfield Journal began publication in 1857 under the editorship of H. A. Coolidge, an Eastern journalist who undertook the venture at the solicitation of E. B. Litchfield. Some years later, ownership changed and with it the name to the Democrat; subsequent name changes were the Prairie City Advocate and the News; publication was suspended in 1866.¹⁵¹ The following year the Republican Monitor came out, becoming the Union Monitor four months later.¹⁵²

The Free Press, organized in Nokomis in 1877, later consolidated with the Gazette of that city and continues as the Free Press-Progress up to the present. The Raymond Independent and the News Herald started publication in 1881; the Farmersville Post in 1902; and the Nokomis Free Press-Progress in 1918. Other papers in the county which existed for short periods were the Advertiser, Review, Montgomery County Democrat, Liberal, Gazette, and Bulletin.

All but three of the twenty-five newspapers in Montgomery County listed here came into being during the sixties or seventies. At this time Illinois was fully settled and had taken its place as one of the most important states in the Union economically and politically. The end of the American frontier had almost been reached; transportation, invention, and the new industrial civilization were reaching a bewildering development—all of which begged for crystalization. The man who thought he could interpret the new age to the generations which up to then had lived a primitive, agrarian civilization, saved up a few dollars, found himself a community and brought out his Blade, Herald, or Mirror, in which he could depict for the public the new and fascinating times. Only a few of these papers survived, but considering the times during which they existed, it was inevitable that they all should have been born.

POPULATION

The population statistics of Montgomery County reflect an interesting progression of social and economic changes. When the county was organized in 1821, it had less than five hundred inhabitants; the 1830 census showed a population of 2,953. Between 1850 and 1870, the twenty years of feverish railroad construction and of heavy foreign immigration, the population of Montgomery increased from 6,277 to 25,314, almost 400 per cent. From then on the population increased steadily reaching 35,311 in 1910.¹⁵³ Between 1910 and 1920, the period which included the World War and with the increased demand for and the resulting high prices of farm products, there was an increase in the population of the county of 6,092. Between 1920 and 1930, the decade of unprecedented industrial expansion which drew the rural youth to the industrial centers, the population made a sharp decline

150. Perrin, op. cit., p. 246.

151. Ibid., p. 293-295.

152. Bateman, Selby, and Strange, op. cit., II, 703, 704.

153. **Population Bulletin, Illinois** (Washington: Bureau of the Census, 1930), p. 28.

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for the first time in the history of the county, receding in 1930 to 35,278.¹⁵⁴ No authoritative figures on population are available from 1930 to the present, but the increase in the number of farms and amount of land under cultivation indicates that the depression years resulted in a definite back-to-the-farm movement in Montgomery County.

The main centers of population in the county are the cities of Litchfield with 6,612 inhabitants; Hillsboro, 4,435; Nokomis, 2,454; and Witt with 1,516. The balance is distributed between the fourteen villages and more than three thousand farms.¹⁵⁵

154. **Population Bulletin, Illinois**, p. 28

155. *Ibid.*, p. 28, 29.

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

INTRODUCTION

The county in Illinois is a corporate body¹ and an administrative unit of the state; its governmental organization is at all times largely an expression of this dual nature.

The growth of the county as a body politic is reflected, in each of the state's three constitutional periods, in a progressive expansion of the powers which may by law be exercised by the county board, and in the creation of new, and the extension of existing county offices. The latter phase of growth in Montgomery County and in others similarly organized at present, has also been affected by the adoption of township organization, which for the first time constituted the civil towns as an additional level of government.

An analogous development appears in the state's invasion of new fields of government and the extension of the county's role as its agent. Originally, the county performed but a single important function for the state, that of collecting its share of the taxes levied within the county. Since then, however, education, public health, registration of vital statistics, public assistance, and many similar if less important matters have entered the province of state control or supervision. To effect this control, new governmental units, subcounty districts of various types, have come into existence or have been converted to new purposes; the county, because of its intermediate position, has become more important as a medium of that control.

Thus the complete operation of county government in Illinois brings into play a number of partly distinct authorities. Their relationships, at any time, are complex. The changing governmental organization of Montgomery County, therefore, is easiest traced from the viewpoint of the major functions of county government.

GENERAL ADMINISTRATION

General administrative jurisdiction over county business has always been vested in the county board. Under the first constitution, for all counties, the county commissioners' court acted as the county board.² It was expressly declared to have no original or appellate jurisdiction in civil or criminal actions, but had all power necessary to the exercise of its jurisdiction in cases concerning the public affairs of the county collectively.³ The commissioners were constitutional officers,⁴ and elected;⁵ the court existed solely by statutory provision.⁶ Attached to it in a ministerial capacity was the independent statutory office of clerk of the county commissioners' court,⁷ at first filled at

1. **R. L. 1827**, p. 107; **R. S. 1845**, p. 130; **R. S. 1874**, p. 306.

2. Constitution of 1818, Schedule, sec. 4; **L. 1819**, p. 175, 176.

3. **L. 1819**, p. 176.

4. Constitution of 1818, Schedule, sec. 4.

5. **L. 1819**, p. 100; **L. 1821**, p. 100; **R. L. 1837**, p. 103, 104.

6. **L. 1819**, p. 175.

7. *Ibid.*

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the appointment of the court,⁸ later by election.⁹

Under the second constitution, the newly created county court succeeded to the position of the county commissioners' court.¹⁰ As an administrative body,¹¹ it was composed of the county judge, an elected, constitutional officer,¹² and two justices of the peace, elected at large.¹³ Another new office, that of clerk of the county court, was created to provide it with a ministerial officer; the clerk also was elected.¹⁴

The Constitution of 1848 also made provision, for the first time, for an optional form of county government.¹⁵ The subsequent enabling acts¹⁶ provided that whenever the voters of a county might so determine, that county should adopt township organization; one of the principal results of such a change was to alter the form of the county board.¹⁷ Montgomery County so elected in 1872, and in 1873 the county court was succeeded by a board of supervisors, composed of members elected, one in each of the several townships.¹⁸ The county clerk, whose office was created and made elective by the third constitution,¹⁹ was required by law to act as ministerial officer for the county board.²⁰ Another significant change in the form of the county board has been the addition to its membership of assistant supervisors, elected from the various towns on the basis of population;²¹ the assistant supervisors have no power or duties as town officers, but are members of the county board and as such enjoy the same powers and rights as other members.²²

8. **L. 1819**, p. 175

9. **R. L. 1837**, p. 49; **L. 1845**, p. 28,

10. Constitution of 1848, Art. V, sec. 19; **L. 1849**, p. 65.

11. The county court was also a court of law. For its jurisdiction as such, see Administration of Justice, **Courts**, p. 35.

12. Constitution of 1848, Art. V, sec. 17.

13. Ibid., Art. V, sec. 19; **L. 1849**, p. 65, 66.

14. Constitution of 1848, Art. V, sec. 19; **L. 1849**, p. 63.

15. Constitution of 1848, Art. VII, sec. 6.

16. The original enabling act of 1849 (**L. 1849**, p. 190-224) was repealed two years later by a more comprehensive but essentially similar law (**L. 1851** p. 35-78).

17. Other effects of the change, within the sphere of county government, proper, appear with regard to the taxation procedure. See **Finances**, p. 33.

18. Constitution of 1848, Art. VII, sec. 6; **L. 1851**, p. 33, 50-52;

Constitution of 1870, Art. X, sec. 5.

19. Constitution of 1870, Art. X, sec. 8.

20. **R. S. 1874**, p. 322.

21. **R. S. 1874**, p. 1080; **L. 1925**, p. 605; **L. 1929**, p. 774; **L. 1931**, p. 905-10; **L. 1933**, p. 1115, 1116.

22. **R. S. 1874**, p. 1080.

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The Constitution of 1870 also provided a new form of county board in counties not under township organization. This board was to be composed of three officers, styled commissioners, who would transact all county business as provided by law.²³ Subsequent legislation granted to the board of county commissioners all powers and duties formerly exercised by the county court when acting in its administrative capacity.²⁴ These laws were ineffective in Montgomery since this county has retained township organization since its institution in 1873.

Concurrent with the changing organization of the county board is an expansion of its functions without, however, considerable extension beyond the original jurisdiction conferred upon the county commissioners' court. The authority of that body extended to the imposition and regulation of taxes,²⁵ a limited but increasing management of county property,²⁶ and a growing fiscal control, stringent in regard to tax collections,²⁷ sporadic in its check on the expenditures of other county offices.²⁸ The court additionally had power to appoint judges of election,²⁹ select juries,³⁰ and, with limitations, to provide for the construction and maintenance of roads and bridges.³¹ Poor relief³² and a tentative supervision of education³³ also fell within its general administrative jurisdiction.

The effect of subsequent legislation, in the main, has only been to broaden that jurisdiction. The county board has been given full power to purchase, contract for, dispose of, and make regulations concerning all real and personal property of the county.³⁴ It is now required also to audit all claims against the county and the accounts of such officers as are not provided for by law.³⁵ Otherwise, the changes in form of

23. Constitution of 1870, Art. X, sec. 6.

24. **L. 1873-74**, p. 79.

25. **L. 1819**, p. 175.

26. *Ibid.*, p. 237, 238; **L. 1842-43**, p. 128.

27. **L. 1819**, p. 238, 318; **L. 1823**, p. 208; **R. L. 1827**, p. 373, 375; **R. L. 1829**, p. 121; **L. 1842-43**, p. 112; **L. 1845**, p. 11, 12.

28. **R. L. 1827**, p. 366; **L. 1831**, p. 175.

29. **L. 1819**, p. 90.

30. *Ibid.*, p. 255; **L. 1823**, p. 182.

31. Either by calling able-bodied men of the county for labor, or by raising bond issues by subscription (**L. 1819**, p. 333, 334, 336, 337, 343; **L. 1821**, p. 167; **L. 1825**, p. 130-33).

32. **L. 1819**, p. 127; **L. 1839**, p. 138, 139.

33. **R. S. 1845**, p. 500, 501.

34. **L. 1851**, p. 50, 51; **L. 1861**, p. 235, 236; **R. S. 1874**, p. 306, 307; **L. 1911**, p. 245, 246; **L. 1923**, p. 304, 305; **L. 1937**, p. 453, 454.

35. **L. 1851**, p. 51; **R. S. 1874**, p. 307; **L. 1923**, p. 299.

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the county board in Montgomery County have not materially affected the general administrative jurisdiction of that body.³⁶

FINANCES

In Illinois counties, there has always been a close relationship between the taxation processes and fiscal control. This circumstance, as well as frequent evidence of the county board's ultimate control in such matters, appears in a resume of the legal status and duties of the officers involved.

Taxation

The assessment function in taxation was delegated by the first General Assembly to the county treasurer, a statutory officer appointed by the county commissioners' court.³⁷ The administrative body, within statutory limits, fixed the amount of the levy, while the value of many categories of real and personal property was fixed by law; however, a limited discretion was left to the assessing officer.³⁸ In 1825 assessments were made by the county assessor, also an appointee of the county commissioners' court.³⁹ This duty reverted to the county treasurer in 1827⁴⁰ and continued to be vested in that office until 1839, when the General Assembly provided for the appointment by the county commissioners' court of district assessors, not to exceed one in every justice's district.⁴¹ The earlier system was reestablished in 1844, with the treasurer, however, now having the status of ex-officio county assessor.⁴² Since 1873, the date of the institution of township organization in Montgomery County, the assessment function has been performed on the lower governmental level by town assessors, elected one in each township.⁴³ Today, the principal duties of the assessing officers, taken together, are to bring up to date each year the periodic assessment of real property, to take current lists of, and appraise personal property and special categories of other property.⁴⁴ The treasurer now has the status of ex-officio supervisor of assessments.⁴⁵

The functions which today fall within the scope of the board of review were originally dispersed and attenuated. In the first constitutional period, it was left to interested individuals or parties to report property omitted from assessment; the county commissioners' court

36. Cf. this running summary with **R. S. 1874**, p. 306, 307, and **R. S. 1937**, p. 910-12.

37. **L. 1819**, p. 315.

38. *Ibid.*, p. 313, 319; **L. 1825**, p. 173; **L. 1839**, p. 4-6; **L. 1840**, p. 4; **L. 1845**, p. 6.

39. **L. 1825**, p. 173.

40. **R. L. 1827**, p. 330.

41. **L. 1839**, p. 4.

42. **L. 1843**, p. 231.

43. **L. 1851**, p. 38; **L. 1871-72**, p. 20-24.

44. **L. 1853**, p. 16, 17; **L. 1855**, p. 18, 24, 55; **L. 1871-72**, p. 11, 14, 15, 19, 23; **L. 1873**, p. 51; **L. 1879**, p. 241-45; **L. 1881**, p. 133; **L. 1885**, p. 234; **L. 1895**, p. 300, 301; **L. 1905**, p. 360; **L. 1915**, p. 568; **L. 1923**, p. 495, 500; **L. 1927**, p. 774; **L. 1931-32**, First Sp. Sess., p. 69.

45. **L. 1898**, p. 36-44.

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could hear appeals from assessments, but there was no provision for their equalization by districts.⁴⁶ During the second constitutional period, appeals, in Montgomery County, were made to the county court.⁴⁷ After the institution of township organization in 1873, town boards were empowered to revise the assessments within their own jurisdiction, and the county board was required to meet annually to assess omitted property, review assessments upon complaint, and equalize valuations between towns.⁴⁸ In 1898 this authority of the county board was transferred to the newly created board of review, composed of the chairman of the county board as ex-officio chairman, the county clerk as ex-officio clerk, and an additional member appointed by the county judge.⁴⁹ In 1923 the county clerk was replaced by another member appointed by the county judge;⁵⁰ the board of review now appoints its own clerk.⁵¹

The collection function was originally performed in all counties by the sheriff, an elected constitutional officer.⁵² Its nature has changed little since that time. Essentially, the collecting officer collects taxes according to information originating outside his jurisdiction, pays over such sums to authorities designated by statute to receive them, and reports on payments of taxes and delinquencies.⁵³ In 1839, by a development analogous to that which occurred with regard to assessments, the county board extended its control to appoint a regular county collector.⁵⁴ Soon after, the law reverted to the earlier situation, with the sheriff acting as ex-officio collector.⁵⁵ This situation continued until Montgomery County adopted township organization when town collectors were elected, one in each township,⁵⁶ and the county treasurer became ex-officio county collector.⁵⁷ The town officers paid over their collections directly to the county officer, and supplied the basic information for the latter's summary report of collections in the county.⁵⁸ In 1917 the town office of collector was abolished in counties the size of Montgomery, and the county collector became ex-officio town collector, assuming all duties previously assigned to the latter officer.⁵⁹

Coordination of the taxation processes has always been affected by the county clerk or his predecessors. The assessment books are made out by the clerk, and returned to him by the assessor; similarly, the

46. L. 1819, p. 316; R. L. 1827, p. 330; L. 1839, p. 7; L. 1843, p. 239; L. 1845, p. 8.

47. L. 1849, p. 65.

48. L. 1851, p. 56, 57; L. 1871-72, p. 21, 22, 24, 25.

49. L. 1898, p. 46.

50. L. 1923, p. 496; L. 1932, p. 75.

51. L. 1923, p. 496, 497.

52. Constitution of 1818, Art. III, sec. 11; L. 1819, p. 316.

53. L. 1819, p. 316-18; L. 1821, p. 182, 183; R. L. 1827, p. 332, 333; R. L. 1829, p. 118, 121-23; L. 1831, p. 125; R. L. 1837, p. 581, 582; L. 1839, p. 7-12; L. 1843, p. 243; L. 1845, p. 11; L. 1847, p. 81; L. 1871-72, p. 55, 57, 58.

54. L. 1838-39, p. 7.

55. L. 1843, p. 234.

56. L. 1849, p. 192; L. 1851, p. 38.

57. L. 1853, p. 67.

58. L. 1871-72, p. 41, 56, 57.

59. L. 1917, p. 793.

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collector reports on collections on delinquent property; finally, the treasurer's receipts to the collector for taxes paid come into his possession, and the centralization of records concerning the basic taxation procedure is completed.⁶⁰

Fiscal Control

The fiduciary function in county finances is performed by the county treasurer alone. The duties of the office have remained substantially the same since its creation; namely, to receive, principally from the collectors of taxes, the revenue of the county; to have custody of its funds; and to disburse funds only on specific authorization by law, or in accordance with the order of the county board.⁶¹ Through this last requirement, and that of the treasurer to report periodically to the board on the transactions of his office, in addition to his regular settlement with it, the lines of financial authority once more lead to the county board.⁶²

ADMINISTRATION OF JUSTICE

Courts

Justice, in Illinois counties, has been administered by a constantly increasing number of bodies. The Constitution of 1818 vested the judicial powers of the state in a Supreme Court and such inferior courts as the General Assembly should ordain and establish; required the Supreme Court justices to hold circuit courts in the several counties; and provided for the appointment, in such manner and with such powers and duties as the General Assembly should direct, of a competent number of justices of the peace in each county.⁶³

Federal statutes already allowed circuit courts, in all states, jurisdiction over the naturalization of aliens;⁶⁴ the first state legislature additionally conferred jurisdiction over all causes at common law and chancery and over all cases of treason, felony, and other crimes and misdemeanors.⁶⁵ The legislature further required that two terms of a circuit court be held in each county annually by one of the Supreme Court justices,⁶⁶ but in 1824 provision was made for the holding of circuit courts by separate circuit court judges, to be appointed, as were the Supreme Court justices, by both branches of the General Assem-

60. **L. 1819**, p. 317; **R. L. 1827**, p. 373; **R. L. 1837**, p. 582; **L. 1839**, p. 8-12; **L. 1840** p. 3; **L. 1845**, p. 9, 11; **L. 1853**, p. 66, 77, 111; **L. 1871-72**, p. 32, 34, 35, 46, 56-58; **L. 1873-74**, p. 51; **L. 1911**, p. 485; **L. 1917**, p. 654; **L. 1919**, p. 765; **L. 1931**, p. 747.

61. **L. 1819**, p. 315, 316; **R. S. 1845**, p. 138; **L. 1861**, p. 239; **R. S. 1874**, p. 323, 324.

62. **L. 1819**, p. 318; **R. L. 1837**, p. 582, 583; **L. 1845**, p. 33; **R. S. 1845**, p. 138, 139; **L. 1861**, p. 239, 240; **R. S. 1874**, p. 323, 324.

63. Constitution of 1818, Art. IV, sec. 1, 4, 8.

64. 2 U. S. Stat. L. 153-55.

65. **L. 1819**, p. 380.

66. *Ibid.*, p. 378.

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bly, and to hold office during good behavior.⁶⁷ In 1827 the General Assembly repealed the 1824 law, and again provided for circuit courts to be held by Supreme Court justices.⁶⁸ At the next session of the legislature, when a new circuit was established, provision was made for the appointment of a circuit judge to act therein.⁶⁹ At that time, therefore, the circuit courts were held by Supreme Court justices in four judicial circuits and by a circuit judge in the fifth.⁷⁰ A change was made again in 1835, when power to hold circuit courts was taken away from the Supreme Court justices and provision was made for the appointment of five circuit judges, in addition to the one already authorized to hold circuit courts.⁷¹ The six judicial circuits existing at that time were supplemented during the next few years by the creation of new circuits,⁷² so that they numbered nine in 1841 when the office of circuit judge was again abolished and the Supreme Court justices, also increased to nine, were required to hold circuit courts.⁷³

The authority of justices of the peace was limited by law to jurisdiction in specified civil cases and in misdemeanors, with appeals allowed from their judgments to the circuit court.⁷⁴ The power of appointment, the legislature at first reserved to itself;⁷⁵ in 1827, however, justices of the peace were required to be elected, two in each of such districts as should be determined within statutory limits by the county commissioners' court.⁷⁶ Jurisdiction over probate matters was at the outset delegated to the county commissioners' court.⁷⁷ By act of the next General Assembly, it was transferred to the court of probate,⁷⁸ consisting in each county of one judge appointed by the General Assembly.⁷⁹ As a result of the substitution in 1837 of probate justices of the peace for the judges of probate,⁸⁰ jurisdiction over probate mat-

67. **L. 1824**, p. 41. The Constitution of 1818, which had required that Supreme Court justices be appointed by the General Assembly, further provided that they should not, after the first session of the legislature subsequent to January 1, 1824, hold circuit courts unless required to do so by law (Art. IV, sec. 4).

68. **R. L. 1827**, p. 118, 119.

69. **R. L. 1829**, p. 38.

70. *Ibid.*, p. 42, 48.

71. **L. 1835**, p. 150.

72. **L. 1837**, p. 113; **L. 1838-39**, p. 155.

73. **L. 1841**, p. 173.

74. **L. 1819**, p. 185, 192, 195.

75. *Ibid.*, p. 22.

76. **R. L. 1827**, p. 255, 256. Since 1821, however, the county commissioners' court had been required to establish such districts, which also constituted general election precincts (**L. 1821**, p. 74). For changes in the statutory limitations of this power of the court, see **R. L. 1827**, p. 255, and **R. L. 1829**, p. 93.

77. **L. 1819**, p. 223-33.

78. **L. 1821**, p. 121.

79. *Ibid.*, p. 119. The Constitution of 1818 (Art. IV, sec. 4) had also designated this manner of election for judges of all inferior courts.

80. **L. 1837**, p. 176, 177.

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ters for the first time was placed in the hands of elected officers.⁸¹

The county court was the creation of the second constitution,⁸² which also made circuit judges elected officers.⁸³ With regard to the new court, it was further provided by law that it should be held in each county by a single elected officer, the county judge.⁸⁴ Its authority was extended to jurisdiction in all probate matters, and to such jurisdiction in civil and criminal cases as might be conferred by the General Assembly.⁸⁵ In pursuance of this latter provision, the county court was first given the same civil and criminal jurisdiction as justices of the peace;⁸⁶ at the same session of the General Assembly, however, it was declared that county judges when exercising this jurisdiction, acted only in the capacity of justices of the peace.⁸⁷ Until the next constitutional period, the county court, as such, was given jurisdiction only in a limited number of special actions;⁸⁸ it was, however, considered entitled to equal jurisdiction with the circuit court over naturalization.⁸⁹ In this same period, provision was made for increasing, on the basis of population, the number of justices of the peace to be elected in each district. In Montgomery County, and others similarly organized, one additional justice of the peace is now elected for every one thousand inhabitants exceeding two thousand inhabitants in each town.⁹⁰

Provision was first made by the Constitution of 1870 for the establishment by the General Assembly of an independent probate court in each county having a population of more than fifty thousand inhabitants.⁹¹ As first established by statute, the new courts were to be formed in counties of one hundred thousand or more inhabitants.⁹² This population requirement was lowered to seventy thousand in 1881.⁹³ The population of Montgomery County not having reached this figure, jurisdiction over probate matters has continued to be vested in the county court in accordance with constitutional provision to that effect.⁹⁴ The county court, early in this period, was given con-

81. The Constitution of 1818 (Art. IV, sec. 8) had reserved to the General Assembly the right to prescribe the manner of appointment of justices of the peace.

82. Constitution of 1848, Art. V, sec. 1, 16.

83. *Ibid.*, Art. V, sec. 7, 15.

84. *Ibid.*, Art. V, sec. 17.

85. *Ibid.*, Art. V, sec. 18.

86. **L. 1849**, p. 65.

87. *Ibid.*

88. *Ibid.*, p. 65, 66; **L. 1853**, p. 103; **L. 1861**, p. 171, 172.

89. 2 U. S. Stat. L. 155.

90. **L. 1854**, p. 30. No more than five justices, however, may be elected from any town or election precinct.

91. Constitution of 1870, Art. VI, sec. 20.

92. **L. 1877**, p. 79, 80.

93. **L. 1881**, p. 72. In 1933, the act of 1877 was further amended to make the establishment of an independent probate court mandatory in counties having a population of eighty-five thousand or more, and optional in counties having a population of between seventy thousand and eighty-five thousand (**L. 1933**, p. 458).

94. Constitution of 1870, Art. VI, sec. 18.

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current jurisdiction with the circuit court in appeals from justices of the peace;⁹⁵ its original jurisdiction was extended to be equal with that of the circuit court in all that class of cases cognizable by justices of the peace⁹⁶ and involving in controversy sums not exceeding \$500.⁹⁷ In 1906, however, it lost its naturalization jurisdiction since it failed to meet the additional requirement of Federal legislation that it possess jurisdiction at law without limitation upon amounts in controversy.⁹⁸ The present constitution, also, for the first time, directed the manner in which the General Assembly should establish judicial circuits, requiring that circuits be formed of contiguous counties and that they should not exceed in number one circuit for every one hundred thousand of population of the state.⁹⁹ At present there are eighteen circuits in Illinois, and Montgomery County is attached to the fourth circuit.¹⁰⁰

Clerks of Courts

The clerk of the circuit court under the Constitution of 1818, was to be appointed by a majority of the justices of that court.¹⁰¹ Since 1849, however, by provisions of the constitutions of 1848 and 1870, the office has been filled by election.¹⁰² The office of clerk of the county court, which was an independent elective office under the second constitution,¹⁰³ is now filled in an ex-officio capacity by the county clerk¹⁰⁴ who is also required by constitutional provision to be elected.¹⁰⁵ The county commissioners' court, which for a brief period held jurisdiction over probate matters, had its own clerk who was at that time appointed by the court.¹⁰⁶ Probate judges and justices of the peace who subsequently held probate jurisdiction, were required to act as their own clerks.¹⁰⁷ With the transfer of probate jurisdiction to the county court, the clerk of the county court was required to keep, separately, records of probate proceedings and business.¹⁰⁸ In Montgomery County where the county court still retains probate jurisdiction, the county clerk serves it in these matters in his capacity as ex-officio clerk of the county court.¹⁰⁹ Justices of the peace have always been

95. **L. 1895**, p. 212, 223.

96. The jurisdiction of justices has also been progressively increased during this period. See **L. 1871-72**, p. 524; **L. 1835**, p. 189, 190; **L. 1917**, p. 562, 563; **L. 1929**, p. 541, 542.

97. **L. 1871-72**, p. 325.

98. 34 U. S. Stat. L. 596.

99. Constitution of 1870, Art. VI, sec. 13.

100. **L. 1933**, p. 436.

101. Constitution of 1818, Art. IV, sec. 6.

102. Constitution of 1848, Art. V, sec. 21, 29; Constitution of 1870, Art. X, sec. 8.

103. Constitution of 1848, Art. V, sec. 19.

104. **R. S. 1874**, p. 260.

105. Constitution of 1870, Art. X, sec. 8.

106. **L. 1819**, p. 175.

107. **L. 1821**, p. 119, 120; **R. L. 1837**, p. 177, 178.

108. **L. 1849**, p. 66.

109. **R. S. 1874**, p. 260.

required to keep their records in person.¹¹⁰

Ministerial Officers

The principal ministerial officer of all courts of record in Illinois counties is the sheriff. The first constitution provided that the sheriff should be elected.¹¹¹ In 1827 statutory provision was made for the appointment of deputies by the principal officer;¹¹² since 1870, the number of deputies that the sheriff may appoint is determined by rule of the circuit court.¹¹³ The ministerial duties of the sheriff have undergone little change in more than one hundred years. Essentially he is to attend, in person or by deputy, all courts of record in the county, obeying the orders and directions of the court, and to serve, execute, and return all writs, warrants, process, orders, and decrees legally directed to him.¹¹⁴

The coroner was originally given equal power with the sheriff as a ministerial officer of the courts.¹¹⁵ He was also required to serve all process in any suit in which the sheriff was an interested party¹¹⁶ and to perform all the duties of the sheriff when that office was vacant.¹¹⁷ The last two functions are still incumbent upon the coroner.¹¹⁸

Justices of the peace are served similarly in a ministerial capacity by constables. Not until 1870 was the office of constable given constitutional recognition;¹¹⁹ at its creation by the first General Assembly, the county commissioners' court was empowered to appoint one or more constables in each township;¹²⁰ in 1827 it was provided that two constables should be elected in each justice of the peace district.¹²¹ Since that date, subsequent legislation has grouped justices of the peace and constables in all provisions regarding their election.¹²² Constables, like sheriffs and coroners, have always been required to serve and execute all process legally directed to them;¹²³ process issuing from a justice of the peace court, however, may be directed only to some

110. **L. 1819**, p. 185-97 (no specific record-keeping requirements listed among general duties of justices), 326 (establishing fees to be paid justices for keeping records); **R. L. 1827**, p. 260 (becomes definite provision for justices to keep own records); **L. 1895**, p. 221, 222.

111. Constitution of 1818, Art. III, sec. 11.

112. **R. L. 1827**, p. 373.

113. Constitution of 1870, Art. X, sec. 9.

114. **L. 1819**, p. 111; **R. S. 1874**, p. 990, 991.

115. **L. 1819**, p. 111.

116. **L. 1821**, p. 20-23.

117. **R. L. 1827**, p. 372, 373.

118. **R. S. 1874**, p. 282. Despite the absence from the present law of statutory provision for the coroner to serve process originally directed to him (**R. S. 1874**, p. 281, 282), the courts have held that he may so do, an emergency being presumed to exist without need for the process to recite reason for its issuance of the coroner (20 Ill. 185; 57 Ill. 268).

119. Constitution of 1870, Art. VII, sec. 21.

120. **L. 1819**, p. 162.

121. **R. L. 1827**, p. 258.

122. See **Courts**, p. 35.

123. **L. 1819**, p. 162, 163; **R. S. 1874**, p. 400.

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constable of the same county.¹²⁴

Prosecutions

The duty of the present state's attorney to prosecute and defend all actions, civil or criminal, involving the county, the people, or officers of the state or county,¹²⁵ was incumbent originally upon the circuit attorney.¹²⁶ In 1827 this officer was replaced by the state's attorney.¹²⁷ Also in effect from an early date is the officer's other major duty, apart from the enforcement of law,¹²⁸ of giving opinions on any questions of law relating to criminal or other matters in which the people of the county may be concerned.¹²⁹

The offices of circuit attorney and early state's attorney, which existed solely by statutory provision,¹³⁰ were appointive by the Governor until 1835,¹³¹ and thereafter by the General Assembly.¹³² The second constitution provided for an elected state's attorney,¹³³ since each judicial circuit was an elective district for this purpose, the territorial jurisdiction of the new officer remained the same as that of the former officer.¹³⁴ Not until the adoption of the present constitution was provision made for the election of a separate state's attorney in each county.¹³⁵

Inquests

The holding of inquests, one of the duties of the coroner in Illinois counties, is also a part of the administration of justice. The office of coroner was created by the first constitution and required to be filled by election;¹³⁶ the statutory provisions concerning the inquest function have not changed substantially since their enactment by the second General Assembly.¹³⁷ The coroner, when informed of the body of any person being found dead, supposedly by violence, casualty, or undue means, is required to summon a jury to inquire how, in what manner, and by whom or what, death was caused; testimony of witnesses is taken; witnesses whose evidence implicates any person as the unlawful slayer of the deceased are bound over

124. **L. 1819**, p. 186; **R. S. 1845**, p. 317; **L. 1871-72**, p. 525; **L. 1895**, p. 191, 193; **L. 1937**, p. 900. Similarly, process issuing from courts of record is required to be directed to the sheriff or, under certain conditions noted (footnotes 115, 116, and 117), to the coroner (**R. S. 1845**, p. 413; **L. 1871-72**, p. 338; **R. S. 1874**, p. 774; **L. 1907**, p. 444, 445; **L. 1933**, p. 786; **L. 1937**, p. 939).

125. **R. S. 1874**, p. 173, 174.

126. **L. 1819**, p. 204; **L. 1825**, p. 178, 179.

127. **R. L. 1827**, p. 79, 80.

128. See **Enforcement of Law**, p. 41.

129. **R. S. 1845**, p. 76; **R. S. 1874**, p. 174.

130. **L. 1819**, p. 204-6.

131. *Ibid.*, p. 204.

132. **L. 1835**, p. 44.

133. Constitution of 1848, Art. V, sec. 21.

134. *Ibid.*, Art. V, sec. 22.

135. Constitution of 1870, Art. VI, sec. 22.

136. Constitution of 1818, Art. III, sec. 11.

137. Cf. **L. 1821**, p. 22-24; **R. S. 1845**, p. 517, 518; **R. S. 1874**, p. 282-84; **R. S. 1937**, p. 780-82.

to the circuit court; the verdict of the jury is returned to the clerk of that court.¹³⁸

The verdict of the coroner's jury, however, is not generally admissible in evidence;¹³⁹ additionally, it is not held to be prima facie proof of matters stated therein with regard to the cause and manner of death;¹⁴⁰ its essential nature, therefore, is that of a finding of facts upon the basis of which the coroner may be led to discharge his collateral duty to apprehend and commit to jail any person implicated by the inquest as the unlawful slayer of the deceased.¹⁴¹ To this extent, the coroner's inquest duties overlap his function as an officer for the enforcement of law.

Enforcement of Law

Sheriffs, coroners, and constables have always been charged equally with keeping the peace and apprehending all offenders against the law.¹⁴² The state's attorney's powers as an officer for the enforcement of law originally derive by implication from another duty;¹⁴³ the gathering of evidence and the apprehension of offenders is necessarily involved in commencing and prosecuting actions in which the people of the state or county are concerned.¹⁴⁴ In relatively recent years, however, the state's attorney has been given more specific statutory powers to enforce laws and to investigate violations and secure necessary evidence thereof.¹⁴⁵ But at any time the effective spheres of authority of law enforcement officers have been determined less by statutory provisions than by local conditions and individual circumstances.

EDUCATION

The act of Congress providing for the creation and admission of the State of Illinois to the Union set aside section sixteen of every township for the use of schools.¹⁴⁶ The first state legislation on the subject was concerned only with the establishment of school districts and the sale or leasing of school land to provide necessary funds, for which purpose three trustees of school lands were appointed in each township by the county commissioners' court.¹⁴⁷

In 1825, however, with a common school system in operation, pro-

138. **L. 1821**, p. 24, 25; **R. S. 1845**, p. 518; **R. S. 1874**, p. 284; **L. 1879**, p. 82; **L. 1907**, p. 213; **L. 1919**, p. 403, 404; **L. 1931**, p. 388, 389.

139. 46 N. W. 872. It is, however, held to be proper practice to offer, in cross-examining witnesses sought to be impeached, excerpts from transcripts of testimony taken at the inquest (189 Ill. App. 556; 211 Ill. App. 474).

140. 201 Ill. App. 287.

141. **L. 1821**, p. 25; **R. S. 1845**, p. 518; **R. S. 1874**, p. 285.

142. **L. 1819**, p. 111, 162, 163; **R. S. 1845**, p. 328, 515; **R. S. 1874**, p. 400, 990.

143. See **Prosecutions**, p. 40.

144. Previously cited; see p. 40, footnote 126.

145. **L. 1885**, p. 3; **L. 1907**, p. 268; **L. 1913**, p. 395; **L. 1915**, p. 368; **L. 1927**, p. 33.

146. 3 U. S. Stat. L. 428.

147. **L. 1819**, p. 107, 108.

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vision was made for its educational as well as financial administration. Three elected officers, known as township school trustees, were charged in each township with superintending schools, examining and employing teachers, leasing all land belonging to the district, and reporting annually to the county commissioners' court; this report, however, was limited to such matters as were concerned in the financial administration of the schools.¹⁴⁸ In 1827 the county commissioners' court was again empowered to appoint trustees of school lands, but despite the use of the earlier, more limited title, these officers were charged with all the duties of the former township school trustees.¹⁴⁹ The creation of office of county school commissioner in 1829 brought a new element into the complex situation. The commissioner was at first given limited duties with regard to the sale of school lands and the management of school funds;¹⁵⁰ his subsequent gains in this respect at the expense of the township trustees foreshadowed the demarcation of spheres of authority that was made in 1847.¹⁵¹ In the interim, the school commissioner, who had first been appointed by the county commissioners' court,¹⁵² became an elected officer;¹⁵³ in such townships as elected to incorporate for the purpose of organizing and supporting schools, township trustees also became elected officers and were there denominated trustees of schools.¹⁵⁴

The situation created by the legislation of 1847 in certain respects has not since been substantially altered. In all counties, township trustees became, and are still, elected officers, styled township school trustees.¹⁵⁵ The relative authority of the officer of the county¹⁵⁶ and of officers of the township with regard to financial administration was fixed essentially as at present.¹⁵⁷ Moreover, township trustees lost practically all their former duties with regard to matters purely educational as a result of a development that occurred in 1845.

It was at that time that the county first entered into the actual administration of education with the creation of the office of superintendent of schools.¹⁵⁸ Filled at first by the school commissioner in an ex-officio capacity,¹⁵⁹ it quickly absorbed most of the functions of town-

148. L. 1825, p. 121, 122.

149. R. L. 1827, p. 366-70.

150. R. L. 1829, p. 150-54.

151. Cf. L. 1831, p. 176; L. 1841, p. 275-79.

152. R. L. 1829, p. 150.

153. L. 1841, p. 261, 262.

154. L. 1841, p. 273, 274. In unincorporated townships, trustees continued to be appointed by the county commissioners' court (*Ibid.*, p. 259, 260).

155. L. 1847, p. 126; L. 1909, p. 350.

156. The subsequent substitution of an independent elected superintendent of schools for the school commissioner who had additionally been ex-officio superintendent (see footnotes 159, 161, and 162) was only a change in the legal status of the officer of the county and had no further import.

157. L. 1847, p. 123, 124, 128, 129; L. 1909, p. 351-54; L. 1927, p. 794, 795

158. E. S. 1845, p. 498.

159. *Ibid.*

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ship trustees with regard to the advancement of education;¹⁶⁰ later, the office came to be filled by election¹⁶¹ and completely absorbed that of school commissioner.¹⁶² In the new field of county administration of education, the superintendent's duties remained constant through his change in legal status, requiring him to visit all the townships in his county and inquire into the condition and manner of conducting their schools, to examine persons proposing to teach school, to grant certificates to persons qualified to teach school, and to report to the county board on all his acts relating to the management of school funds and lands.¹⁶³ Subsequent legislation has enlarged the scope of this phase of the superintendent's functions, but it is in his role as an agent of state supervision that he has been charged with numerous duties of a new character.¹⁶⁴

The authority of the state with regard to education, first manifested in 1845, has, like that of the county, been extended beyond its original bounds. Originally the county superintendent was required only to communicate to the State Superintendent of Common Schools¹⁶⁵ information concerning the schools in his county.¹⁶⁶ Today, as a consequence of the state's increasing intervention in matters of public health and safety, the county superintendent is required to inspect, with regard to specifications, plans submitted to him for the heating, ventilation, lighting, etc., of public school rooms and buildings; to visit and notice such public school buildings which appear to him to be unsafe, insanitary, or otherwise unfit for occupancy; and to request the Department of Public Health,¹⁶⁷ the state fire marshal, or the state architect to inspect such buildings and issue reports upon which condemnation proceedings can be based.¹⁶⁸

RECORDATION

For the function of making legal record of written instruments, the first General Assembly established the office of recorder.¹⁶⁹ Originally

160. **R. S. 1845**, p. 497-503. Cf. **L. 1825**, p. 121, 122; **R. L. 1827**, p. 366-70; **L. 1831**, p. 173; **L. 1841**, p. 270, 275, 276, 279. The only duty of this category that was left to township trustees in the laws of 1847 concerned the examination of prospective teachers and the issuance of certificates where merited (**L. 1847**, p. 130). It was omitted from the revised school law of 1851 (**L. 1851**, p. 127).
161. **L. 1865**, p. 112.
162. *Ibid.*, p. 112, 113.
163. **R. S. 1845**, p. 498, 500, 501. Cf. **L. 1847**, p. 121-25; **L. 1857**, p. 261-65, 278, 279, 296, 297; **L. 1861**, p. 190, 191; **L. 1865**, p. 114, 119-21.
164. **L. 1909**, p. 347-50; **L. 1915**, p. 636-38.
165. The Secretary of State in ex-officio capacity (**L. 1845**, p. 52). In 1851 the office became independent, filled by election, and known as that of Superintendent of Public Instruction (**L. 1854**, p. 13), which is its present status (**L. 1909**, p. 343).
166. **L. 1845**, p. 54.
167. Prior to 1917, the rights, powers, and duties of this department were vested in the State Board of Health, abolished in that year (**L. 1917**, p. 4, 17, 27).
168. **L. 1915**, p. 637-40.
169. **L. 1819**, p. 18-20.

appointed by the Governor,¹⁷⁰ the recorder was required to be elected after 1835.¹⁷¹ The second constitution made the clerk of the circuit court¹⁷² ex-officio recorder in all counties;¹⁷³ the present constitution continued the earlier provision in counties of under sixty thousand population and provided for the election of a recorder in counties of that population or more.¹⁷⁴ As Montgomery County never met the population requirement, the clerk of the circuit court has continued to fulfill the duties of recorder.

The basic duty of the recorder, to record at length and in the order of their receipt all instruments in writing, has remained essentially unchanged; legislation has been directed toward the extension of categories of instruments entitled to be recorded.¹⁷⁵ Conveyances of title to land, a major category of such records, frequently involve another county officer, the surveyor. Established by the second General Assembly,¹⁷⁶ the office of surveyor was at first filled by appointment by that body,¹⁷⁷ later by election.¹⁷⁸ In 1936 the surveyor again became an appointed officer, with the power of appointment delegated to the county board.¹⁷⁹ His duty to perform all surveys he may be called on to make within his county has undergone only minor change, but its importance has declined; the acts of any surveyor, properly acknowledged and certified, have equal standing before the law with those of the county surveyor; no maps or plats have any legal effect unless recorded by the recorder.¹⁸⁰

PUBLIC WORKS

Roads and Bridges

Public roads and bridges were first under the superintendence of the county commissioners' court which was authorized to locate new roads and alter or vacate existing roads.¹⁸¹ The act providing for such superintendence empowered the commissioners to appoint freeholders in each township to act as supervisors, each appointment to be for a one-year period. New roads were to be opened by the county commissioners' court upon petition of residents of the county and a favorable report from the road viewers and surveyor. A few years later the county commissioners were authorized to divide the county into road districts and to appoint annually one supervisor to serve in each dis-

170. **L. 1819**, p. 18, 19.

171. **L. 1835**, p. 166.

172. An elective officer; see *Clerks of Courts*, p. 38.

173. Constitution of 1848, Art. V, sec. 19; **L. 1849**, p. 64.

174. Constitution of 1870, Art. X, sec. 8; **R. S. 1874**, p. 833.

175. **L. 1819**, p. 18, 20; **R. L. 1829**, p. 117, 118; **R. L. 1833**, p. 511; **R. S. 1845**, p. 305, 432, 606; **L. 1851**, p. 80; **L. 1859**, p. 124; **L. 1869**, p. 2; **R. S. 1874**, p. 833, 834; **L. 1921**, p. 756, 757; **L. 1925**, p. 520-22.

176. **L. 1821**, p. 62.

177. *Ibid.*

178. **L. 1835**, p. 166.

179. **L. 1933**, p. 1104. Provision effective in 1936.

180. **R. L. 1829**, p. 173; **R. L. 1833**, p. 511; **L. 1845**, p. 201; **L. 1869**, p. 241, 242; **R. S. 1874**, p. 1050, 1051; **L. 1901**, p. 307, 308; **L. 1915**, p. 575.

181. **L. 1819**, p. 333.

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tract.¹⁸² With a change in the county administrative body under the second constitution, the county court was granted supervision and control over public roads,¹⁸³ but the care and superintendence of roads and bridges in counties electing the township form of government were granted to the commissioners of highways, elected annually in each town.¹⁸⁴ The commissioners divided the town into road districts, and overseers of highways in each district were to repair the roads and carry out orders of the commissioners. In counties not electing the township form, the system of road districts was continued.¹⁸⁵ Montgomery County did not institute township organization until 1873, and the supervision, control, and maintenance of roads, highways, and bridges during the second constitutional period were vested in the county court and the road district supervisors. In 1913 the State Highway Department was established, and provision was made for the appointment by the county board of a county superintendent of highways.¹⁸⁶ The entire system was centralized by subjecting the county superintendent to the rules and regulations of the state highway commissioner and by requiring candidates for county superintendent to be approved by the state commissioner before appointment by the county board. The term of office of the county superintendent was set at six years, and his salary was to be fixed by the county board. A board of highway commissioners was set up in each township to superintend matters relating to roads and bridges. Although the county superintendent was to act on behalf of the county in regard to roads and bridges, and although he was subject to removal by the county board, he was regarded as a deputy of the state highway engineer, subject to his directions. This indicates the intention of the legislature to unify the entire state system of roads and bridges. In 1917 the Department of Public Works and Buildings assumed the rights, powers, and duties vested in the State Highway Department,¹⁸⁷ but the county organization has remained essentially the same since 1913.

Public Buildings

The county is given the power to hold, own, and convey real estate for county purposes.¹⁸⁸ This power is exercised by the county board which is charged with the care and custody of all the real and personal property owned by the county. Throughout the period of statehood it has been provided that a courthouse and jail be erected in each county, and that the sheriff of each county be charged with the custody of such buildings.¹⁸⁹ The county is further empowered to erect buildings for a county hospital, workhouse, tuberculosis sanitarium, and other county needs.¹⁹⁰

The county superintendent of schools is charged with the inspection of plans and specifications for public school rooms and buildings;

182. L. 1825, p. 130.

183. L. 1849, p. 65; L. 1851, p. 179.

184. L. 1849, p. 212.

185. L. 1847, p. 111-13; L. 1849, p. 65, 212, 213; L. 1851, p. 64, 149.

186. L. 1913, p. 521-25, 537-46.

187. L. 1917, p. 24.

188. R. S. 1874, p. 302.

189. L. 1819, p. 111; R. L. 1827, p. 246, 247, 372; R. S. 1874, p. 989.

190. R. S. 1874, p. 307; L. 1909, p. 163; L. 1911, p. 246.

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and the approval of only those which comply with the specifications prepared by the State Superintendent of Public Instruction.¹⁹¹ He is also to request the Department of Public Health,¹⁹² the state fire marshal, or the state architect to inspect public school buildings which appear to be unsafe, insanitary, or unfit for occupancy. Upon receipt of an unfavorable report from these officials, the county superintendent is to condemn the building and notify the board of directors or board of education, and the board of school trustees.

Drainage

In 1850 an act of Congress provided for the granting of swamp and overflowed lands to various states.¹⁹³ The land so granted to Illinois was turned over to the counties in 1852 to be reclaimed by drainage and used for county purposes.¹⁹⁴ Such lands were to be under the care and superintendence of the county court which was to appoint a "Drainage Commissioner" to conduct the sales of such lands. The county surveyor was to prepare plats of the swamp lands and return such plats to the clerk of the county court, whereupon the court fixed the valuation upon each tract. The purchasers of these tracts were given a certificate by the drainage commissioner, and a deed was later executed by the county court. The court was to sell only enough swamp lands to insure reclamation of all such land, any balance to be granted to the several townships to be used for educational purposes. At the discretion of the county, such balance could also be used for the construction of roads or bridges, or for other public works.

In 1865 the commissioners of highways in each town became ex-officio boards of drainage commissioners.¹⁹⁵ Where a proposed drain ran through more than one town the commissioners of all the towns affected made up the board of drainage commissioners.¹⁹⁶ In 1879 drainage construction by special assessment was handled by the drainage commissioners, a body corporate and politic composed of commissioners of highways.¹⁹⁷

Provision was first made for the organization of drainage districts for agricultural, sanitary, and mining purposes in 1879.¹⁹⁸ Petitions were to be filed with the county clerk and hearings on the same were to be had before the county court. When the court found in favor of the petitioners, it appointed three disinterested persons as commissioners to lay out and construct the work. Petitions for the construction of drains to cost less than \$5,000 were to be presented to justices of the peace, if the petitioners so elected, and the commissioners of highways were to perform the duties of drainage commissioners in such cases. In 1885 this law was amended to include drains costing less than \$2,000 and provided for the appointment of three residents

191. L. 1915, p. 637-40.

192. Created in 1917 to supplant the State Board of Health, abolished in that year (L. 1917, p. 4, 17, 27).

193. 9 U. S. Stat. L. 519.

194. L. 1852, p. 178.

195. L. 1865, p. 50.

196. L. 1867, p. 91, 92.

197. L. 1879, p. 142.

198. Ibid., p. 120.

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as commissioners.¹⁹⁹

PUBLIC SERVICES

Public Health

The State Department of Public Health, created in 1917,²⁰⁰ is charged with general supervision of the health and lives of the people of the state. In conformance with this legislative order it is empowered to supervise, aid, direct, and assist local health authorities or agencies in the administration of the health laws. Public health districts may be organized along subcounty lines with a board of health in each. The names of such districts are to be filed with the county clerk to complete their organization. Annually, each board of health certifies to the county clerk the rate of a public health tax to be levied in each district, the clerk being responsible for setting out the proper taxes upon the warrant books and transmitting them to the collector as provided for in regard to other taxes.²⁰¹

Control of the state health department over lodging houses, boarding houses, taverns, inns, and hotels is effected through the county clerk, the proprietors of such establishments being required to file with the clerk an annual statement containing details as to sleeping accommodations for guests.²⁰² The clerk is also required to report annually to the state health department the names and addresses of township officials.²⁰³

Mosquito abatement districts are organized upon petition to the county judge of the county in which such territory lies,²⁰⁴ such petitions being filed with the county clerk. If, after hearing, the county judge determines that the organization of a district is necessary, the question is submitted to the residents of the territory at a special election. The judges of election make return to the county judge, and the results are entered upon the records of the county court. A majority of votes favoring it, a mosquito abatement district is thereupon organized.

County officials also enter into the state's control of public swimming pools. When a representative of the State Department of Public Health finds conditions that warrant the closing of such a pool, the owner of the pool and the sheriff and state's attorney of the county are notified to that effect, it being the duty of these officers to enforce such notice.²⁰⁵

Vital Statistics

The State Department of Public Health has charge of the registration of births, stillbirths, and deaths throughout the state.²⁰⁶ To effect proper control of this matter the state is divided into vital statistics registration districts which, in Montgomery County, are identi-

199. **L. 1885**, p. 130, 131.

200. **L. 1917**, p. 4.

201. *Ibid.*, p. 27, 28, 763, 765, 767, 768.

202. **L. 1901**, p. 305.

203. **L. 1923**, p. 480.

204. **L. 1927**, p. 694.

205. **L. 1931**, p. 735, 736.

206. **L. 1915**, p. 660-70.

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cal with the townships. The township clerk acts as the local registrar in these districts and receives certificates of births and deaths occurring in the district. Burial permits are issued by the registrar and are later returned to him for filing.

The local registrar is required to deposit monthly with the county clerk a complete set of records of births, stillbirths, and deaths registered during the month, and the clerk is charged with binding and indexing, or recording, and safekeeping of such records. The original certificates are sent monthly by the local registrars to the state health department which certifies annually to the county clerk the number of births, stillbirths, and deaths registered in the county.

The county board is to appropriate money for the payment of the local registrars' fees. Such amounts are charges against the county, and the county clerk is required to issue warrants on the county treasurer for the amount of the fees payable to the registrars.

The county also enters into the enforcement phase of this matter. The state health department reports cases of violations of any provisions of the act relating to registration to the state's attorney who is to initiate and follow up court proceedings against violators.

Public Assistance

Public assistance is administered through the services of the county department of public welfare, the county home, the blind examiner, the probation officers, the county clerk, and the county board.

The county department of public welfare is headed by a superintendent appointed by the county board after approval by the State Department of Public Welfare.²⁰⁷ He assists the state department in the operation of welfare plans and policies within the county and has charge of the administration of old age assistance.²⁰⁸ In this latter regard the county department acts merely as the agent of the state department, investigating applicants and reporting results.

The county home is an establishment for the maintenance and care of indigents. Its management and finances are provided by the county board.²⁰⁹ Blind assistance is administered in the county through appropriations by the county board together with state funds. An examiner of the blind, appointed by the county board, examines all applicants referred to him by the county clerk.²¹⁰ The county court has jurisdiction in the administration of the mothers' pension fund. A probation officer, an appointee of the court for this purpose, investigates and visits cases of indigent mothers who are entitled to benefit.²¹¹

COORDINATION OF FUNCTIONS

From the foregoing discussion of functions of the county government it is apparent that the county plays a dual role, that of a body

207. L. 1937, p. 451, 452.

208. L. 1935-36, First Sp. Sess., p. 54-61; L. 1937, p. 265-70.

209. L. 1935, p. 1057.

210. L. 1903, p. 138; L. 1915, p. 256, 257; L. 1935, p. 264, 265.

211. L. 1913, p. 127-30; L. 1915, p. 243-45; L. 1921, p. 162-64; L. 1935, p. 256-59.

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politic and that of an agent for the state. In its first capacity the county, through its officials, is capable of suing and being sued, purchasing, holding, and selling property, making contracts, and raising revenue for its proper operation. As a state agent it fits into a state-wide program on various matters of public concern, acting under the supervision and control of the state, and coordinating the activities of subcounty agencies and officials.

Coordination of county activities is effected chiefly through the county clerk. An illustration of this is the part this official plays in the election procedure. He notifies the judges and clerks of elections of their appointment, supplies them with blanks and poll books, receives copies of registers of voters, issues notices of election, receives and preserves returns, canvasses votes with the assistance of two justices of the peace and retains the abstracts, transmits copies of election returns and abstracts of votes to the Secretary of State, and issues certificates of election.

RECORDS SYSTEM

County records in the State of Illinois have suffered from the lack of an adequate program of legislation designed to secure uniformity in recordation and to insure the proper care of those documents which have permanent value. However, from the inception of statehood, some effort has been made to coordinate the records systems of the several counties and to preserve their archives.

In attempting to establish state-wide uniformity among counties, the General Assembly has at times provided detailed descriptions of required records and in many instances has supplied the very forms to be used. Laws relating to the duties and powers of county officers usually contained some such provisions. Thus, in 1819, the recorder of the county was ordered to supply "parchment or good large books, of royal or other large paper, well bound and covered" wherein to record all deeds and conveyances brought to him for that purpose. He was also to keep a fair book in which to enter every deed or writing to be recorded, noting the date, the parties, and the place where the lands were situated, such entries to be made according to priority of time.²¹² In 1833 he was required to keep an alphabetical index to each book,²¹³ and by 1874 the General Assembly had prescribed a complete list of books to be kept in the office of the recorder, with a description of the contents of each, which list has been continued, substantially unchanged, to the present.²¹⁴

In like manner, legislation was enacted prescribing records to be kept by the county clerk and his predecessors, acting in their several

212. **L. 1819**, p. 18, 20.

213. **R. L. 1833**, p. 511.

214. **R. S. 1874**, p. 834.

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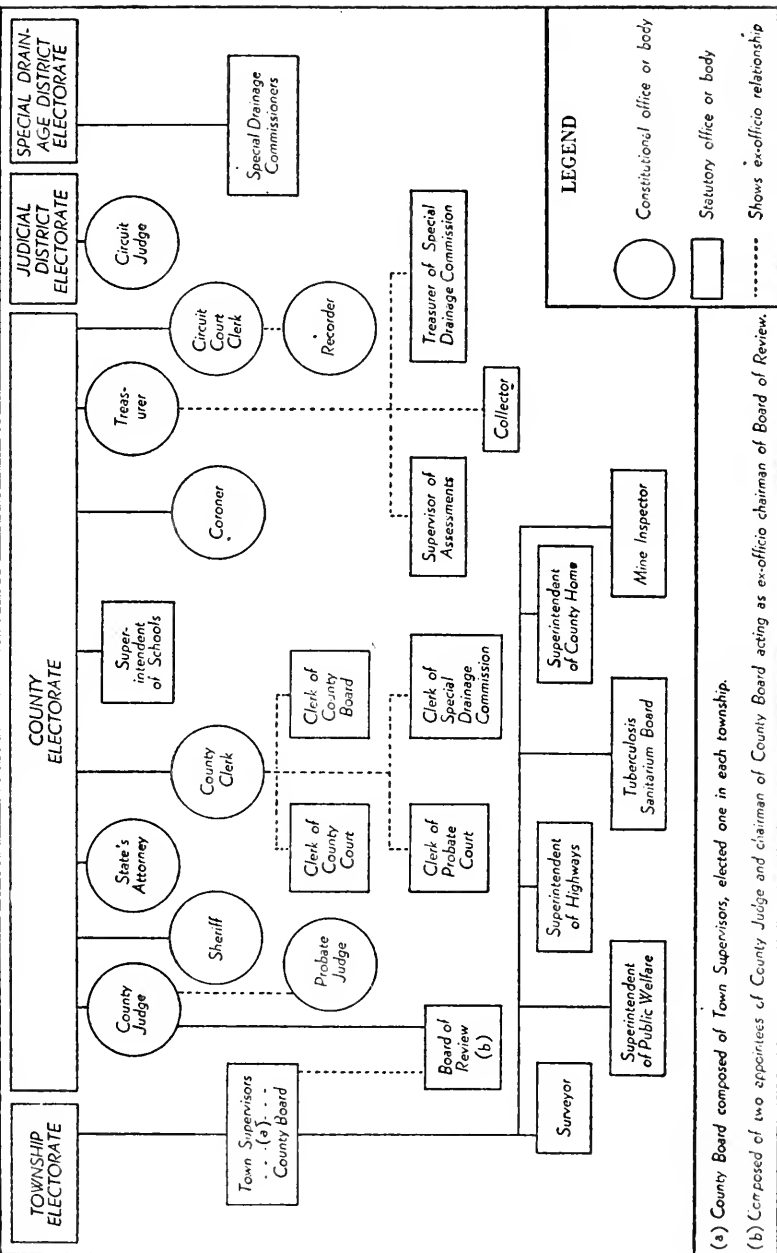
capacities,²¹⁵ the clerk of the circuit court,²¹⁶ the judge,²¹⁷ and justice of the probate court,²¹⁸ the coroner,²¹⁹ the county superintendent of schools,²²⁰ the county surveyor,²²¹ and the county treasurer.²²²

Descriptions of records and forms to be used are frequently found in legislation pertaining to the holding of elections,²²³ assessments and the collection of revenue,²²⁴ the organization and maintenance of common schools,²²⁵ the registration of marriages,²²⁶ and the recording of vital statistics.²²⁷

While there has been enacted much legislation prescribing the kind of records to be kept, only a few laws deal with the safeguarding and preservation of county archives. In 1819 the General Assembly directed the clerks of the circuit and county commissioners' courts to provide "a safe press or presses with locks and keys for the safe-keeping of the archives of their offices . . ."²²⁸ In 1843 the county commissioners' courts were authorized, and required whenever the finances of the county would justify the expenditure, to erect a fire-proof recorder's office at the county seat, or if the commissioners were of the opinion that any unappropriated room in their court-houses could be made fireproof, to make it so and house the office and records of the recorder there. At the discretion of the county commissioners' court, the provisions of this act might be deemed to apply to the offices of the clerks of the circuit and county commissioners' courts.²²⁹ Similar in content but slightly different in wording is a later enactment in which the county commissioners' courts were authorized to "erect, build, and provide permanent fireproof rooms, houses or vaults, for the purpose of placing therein and preserving from injury, damage, loss, or destruction by fire, the records and documents of their respective counties."²³⁰ The preservation of county

215. **L. 1849**, p. 66, 191, 203; **L. 1859**, p. 92, 94; **L. 1865**, p. 93; **R. S. 1874**, p. 261-65, 332; **L. 1933**, p. 203, 204.
216. **R. L. 1833**, p. 152; **R. S. 1845**, p. 147; **L. 1847**, p. 70; **L. 1849**, p. 9; **L. 1865**, p. 93; **R. S. 1874**, p. 262, 263; **L. 1933**, p. 293, 294.
217. **R. L. 1829**, p. 231.
218. **R. S. 1845**, p. 427, 428.
219. **R. L. 1833**, p. 574; **L. 1869**, p. 104, 105; **R. S. 1874**, p. 283.
220. **L. 1849**, p. 155, 156; **L. 1865**, p. 119; **L. 1909**, p. 346, 348, 349.
221. **R. L. 1829**, p. 173; **R. S. 1845**, p. 524.
222. **R. S. 1845**, p. 138; **R. S. 1874**, p. 323, 324.
223. **L. 1819**, p. 92, 94; **R. L. 1827**, p. 291, 292; **R. L. 1829**, p. 59, 60; **L. 1845**, p. 41, 42; **L. 1849**, p. 73, 74; **L. 1865**, p. 54, 55; **L. 1871-72**, p. 386-89, 391; **L. 1885**, p. 143, 148, 173, 176; **L. 1937**, p. 522-29, 531-48.
224. **R. L. 1827**, p. 329-33; **L. 1838-39**, p. 4, 5, 7, 8, 12, 13, 17; **L. 1845**, p. 6-9, 12, 14, 15; **L. 1849**, p. 37, 38, 124-26; **L. 1851**, p. 53, 55, 56; **L. 1853**, p. 17, 24, 50, 55, 77, 78, 111, 112; **L. 1871-72**, p. 19, 23, 32, 48, 49, 54.
225. **L. 1825**, p. 127; **R. L. 1833**, p. 563; **L. 1841**, p. 263, 270-72; **L. 1845**, p. 53, 54, 65, 68; **L. 1847**, p. 121-23, 142-44; **R. S. 1874**, p. 950, 957, 958, 964.
226. **L. 1819**, p. 27; **R. L. 1827**, p. 288, 289; **R. S. 1874**, p. 694, 695.
227. **L. 1842-43**, p. 210-12; **L. 1877**, p. 209; **L. 1901**, p. 301-4; **L. 1903**, p. 315, 317, 318; **L. 1915**, p. 667.
228. **L. 1819**, p. 332.
229. **L. 1842-43**, p. 210.
230. **L. 1845**, p. 46.

GOVERNMENTAL ORGANIZATION OF MONTGOMERY COUNTY, 1939



**Governmental Organization
and Records System**

archives has been greatly aided by an act to provide for the copying of old, worn-out records,²³¹ and by a law authorizing the transfer of county records having historic value to the Illinois State Historical Library or to the State University Library at Urbana.²³² Provision is made in this act for the substitution of accurate copies of these documents if such action be deemed necessary. In 1907 the act was amended to include among the institutions to which old records might be sent, any historical society incorporated and located within a particular county.²³³ Laws have also been enacted which provide for the restoration of certain classes of records destroyed by fire or other means.²³⁴ In 1935 the General Assembly appropriated money for the construction of a fireproof building at Springfield for the purpose of storing therein the archives and records of the state.²³⁵ The erection of this structure, the State Archives Building, has helped to make possible the inauguration of an intelligent, far-sighted program for the preservation of papers and documents of historic value.

There are still serious omissions in legislation pertaining to recordation. For instance, Illinois has no law prescribing the kinds of inks to be used in keeping records. And, although laws have been enacted authorizing the provision of fireproof accommodations for county documents, they are permissive rather than mandatory in character.²³⁶ Legislation enabling the destruction of worthless archives apparently is nonexistent with the exception of laws relating to certain election papers.²³⁷ The enactment of legislation which would remedy these defects in the laws and continue the trend toward statewide uniformity among counties would result in an intelligent, economical records system for the State of Illinois.

231. **L. 1871-72**, p. 648.

232. **L. 1897**, p. 205.

233. **L. 1907**, p. 375.

234. **L. 1871-72**, p. 649, 650, 652.

235. **L. 1935**, p. 138.

236. **L. 1842-43**, p. 210; **L. 1845**, p. 46.

237. **L. 1861**, p. 269; **L. 1871-72**, p. 389; **L. 1885**, p. 145, 193; **L. 1891**, p. 118, 119; **L. 1917**, p. 438, 444, 445; **L. 1937**, p. 525, 526.

3. ROSTER OF COUNTY OFFICERS*

(Date after name of officer refers to date of
commission, unless otherwise stated)

COUNTY COMMISSIONERS **

John Beck, John McAdams,
John Seward,
April 7, 1821¹
Newton Coffey, Harris Reavis,
September 2, 1822²
Samuel Pharr, James Walker,
Anthony Street,
September 6, 1824⁵
See footnote 3, for records
for 1826

William Griffith, Joseph Wil-
liams, James Bostic,
August 18, 1828
James Bostic, Joseph Williams,
Lloyd Martin,
August 9, 1830
Aaron Casey, Thomas Mann,
John Misenhamer,
September 3, 1832
William Griffith, Richard Brad-
ley, Joseph Williams,
September 1, 1834

* This list was compiled from the following sources, with exceptions as noted:

- A. Secretary of State. Index Department, Election Returns.
Returns from County Clerk to Secretary of State. 1809-47, 78 volumes (1-78), third tier, bay 1; 1848--., 53 file drawers (2-54), third tier, bay 2, State Archives Building, Springfield.
- B. Secretary of State. Executive Department,
Certificates of Qualification. 1819--., 22 file drawers (1-22), fourth tier, bay 5, State Archives Building, Springfield.
- C. (1) Secretary of State. Executive Department Official Records.
List of Commissions Issued to County Officers. 1809-1918, 5 volumes, fourth tier, bay 6, State Archives Building, Springfield.
(2) Secretary of State. Executive Department Official Records.
List of Commissions Issued to County Officers. 1869--., 4 volumes, room 208, second floor, Secretary of State's Office, Executive Department, State Capitol Building, Springfield.

** All dates after commissioners' names indicate the year elected or serving. By a law passed in 1821, effective in 1822, three commissioners were to be elected biennially until 1838, when by provision of a law passed in 1837, the three commissioners elected in 1838 drew lots for one, two, and three years to determine their length of term. Thereafter, until 1849, one commissioner was to be regularly elected each year to serve a three-year term. Because state records are incomplete for names of commissioners from 1821 to 1838 the names shown for this period are transcribed from county board records.

1. County Commissioners' Court Record, v. A, p. 1.
2. Name of third commissioner not recorded on date of this first meeting after regular election, *ibid.*, p. 15, but on May 5, 1823, Richard Baker is recorded as meeting with Coffey and Reavis, *ibid.*, p. 17; on August 5, 1823, however, James Wilson is recorded as meeting with Coffey and Reavis, *ibid.*, p. 20.
3. Joseph Williams recorded as meeting with Walker and Street June 6, 1825. *Ibid.*, p. 47. County and state records for 1826 are incomplete but Easton Whitten, James Wilson, and Jacob Cress are recorded as commissioners meeting June 4, 1827. *Ibid.*, p. 67.

Roster of County Officers

County Commissioners (cont.)

James Wilson, Jacob File, John Misenhamer, September 5, 1836	Israel Foglemann, August 7, 1843
William McDavid, Thomas Jones, James Wilson, September 3, 1838	Spartin Grisham, August 5, 1844
Andrew Burk, August 5, 1839	Alfred Bliss, August 4, 1845
D. D. Shurmway, August 3, 1840	Israel Foglemann, August 3, 1846
William McDavid, August 2, 1841	Bazzle Hill, August 2, 1847
Andrew Burk, August 1, 1842	Alfred Bliss, August 7, 1848

COUNTY JUDGES

(From 1849 to 1873, the county judge with two associate justices administered county affairs)

Joseph C. Rolston, November 19, 1849	M. J. McMurray, November 28, 1898, November 26, 1902
Edward I. Rice, November 10, 1851	John Dryer, November 27, 1906, November 26, 1910
Hiram Rountree, November 12, 1853, November 7, 1857, November 25, 1861, November 23, 1865	T. J. McDavid, November 25, 1914
Edward Lane, November 15, 1869	James H. Ragsdale, November 22, 1918
Arius N. Kingsbury, November 12, 1873, December 1, 1877, December 1, 1882	T. J. McDavid, November 29, 1922
Amos Miller, December 6, 1886	Samuel W. Kessinger, November 22, 1926
Louis Allen, November 26, 1890	Charles E. Bliss, November 28, 1930
George R. Cooper, November 6, 1891, November 27, 1894	Clark R. Missimore, January 29, 1934, November 30, 1934
	Robert C. White, ⁴

ASSOCIATE JUSTICES

Austin Whitten, Eli Dishane, November 1849 (elected)	Stephen R. Briggs, John Bukham, December 11, 1861
Robert N. Terry, Jefferson Lynn, November 12, 1853	Joseph C. Hanner, William Fitz Jerrell, November 7, 1865 (elected)
Jefferson Lynn, Stephen R. Briggs, November 7, 1857	J. Bowers Lane, Wm. Chapman, November 15, 1869

4. Shown as county judge in **Official List of State and County Officers of Illinois July 1, 1939**, compiled by Edward J. Hughes, Secretary of State, p. 37.

Roster of County Officers

JUDGES OF PROBATE AND PROBATE JUSTICES OF THE PEACE

(In 1837 the judge of probate is succeeded by the probate justice of the peace, who in 1849, is succeeded by the county judge as ex-officio judge of the probate court)

Eleazer M. Townsend,
February 12, 1821
Hiram Rountree,
June 7, 1822,
February 17, 1823,
January 10, 1825

C. B. Blockburger,
August 9, 1837
William D. Shirley,
August 17, 1839
William Brewer,
August 19, 1843,
September 10, 1847

COUNTY BOARD OF SUPERVISORS

The several township supervisors, one elected from each township, together with any additional and assistant supervisors elected upon proportional representation, make up the membership of the county board of supervisors. Because these supervisors, severally, are township officials and only as a group constitute the county board, they are not commissioned by the state as county officers, and no data concerning them, from which a list could be compiled, are kept by the state. For the same reason, county records, too, are inadequate for the compilation of a complete and accurate list of supervisors. Therefore, due to these and other limitations, only those members mentioned in county records in connection with the first recorded meeting of the board of supervisors are included in this roster. The question of township organization was voted upon at the election held November 5, 1872.⁵ Records do not show an abstract of votes but township organization carried inasmuch as H. H. Hood, James M. Berry, and John T. McDavid were appointed commissioners to divide the county into townships; their report, filed and recorded March 3, 1873,⁶ named sixteen townships. The first meeting of the board of supervisors was held May 8, 1873, in the courthouse at Hillsboro. Supervisors present and townships represented were as follows:⁷

Supervisor	Township
L. C. Allen	Fillmore
T. G. Black	Irving
Martin Brown	Harvel

5. County Commissioners' Court Record, v. D, p. 405.

6. Ibid., p. 423-25.

7. Supervisors' Record, v. A, p. 1. While sixteen townships were formed only fourteen were represented at the first meeting. Today, there are nineteen townships, three being formed since, Grisham, Pitman, and South Fillmore.

County Board of Supervisors (cont.)

John H. Beatty	Nokomis
John Corlew	South Litchfield
Henry Friedmeyer	Rountree
John P. Hitchings	Raymond
James C. Roberts	North Litchfield
H. H. Hood (assistant)	North Litchfield
George W. Mansfield	Hillsboro
G. H. Missimore (assistant)	Hillsboro
Wilson Maxey	Witt
S. R. Thomas	Bois d'Arc
W. P. Weber	Audubon
A. J. Williford	East Fork
Wm. A. Young	Butler Grove
Walshville and Zanesville townships were not represented.	
John H. Beatty was elected first chairman.	

COUNTY CLERKS

(Clerks of the county commissioners' court,
of the county and probate courts, and
of the county board of supervisors)

Hiram Rountree,*	Brewer A. Hendricks,
August 7, 1837 (elected)	December 6, 1886,
Oliver Coudy,	November 26, 1890
August 5, 1839 (elected)	William L. Seymour,
August 7, 1841 "	November 27, 1894
Benjamin Sammons,	John M. Shoemaker,
August 3, 1846 (elected)	December 5, 1898,
August 2, 1847 "	November 26, 1902
November 16, 1849	A. N. Banes,
November 12, 1853	November 27, 1906,
John T. Maddox,	November 26, 1910
November 7, 1857	A. H. Bartlett,
Isaac Blackwelder,	November 25, 1914,
November 25, 1861	November 30, 1918
William D. Shirley,	Mike Godfrey,
November 23, 1865,	November 29, 1922,
November 15, 1869	November 22, 1926,
George M. Raymond,	November 28, 1930,
November 12, 1873,	November 27, 1934
December 1, 1877	Ira W. White, ⁹
Henry H. Keithley,	
December 1, 1882	

8. First state record of election or commission of clerk.

Hiram Rountree appointed clerk April 7, 1821. County Commissioners' Court Record, v. A, p. 1. County records show him serving continuously from date of this appointment until election of his successor in 1839.

9. Shown as county clerk in **Official List of State and County Officers July 1, 1939**, p. 37.

Roster of County Officers

RECORDERS

(In 1849 the circuit clerk
became ex-officio recorder.)

Hiram Rountree,	E. S. Rice,
February 13, 1821,	August 11, 1847
August 12, 1835	Joseph C. Rolston,
August 17, 1839,	November 13, 1848
August 14, 1843	

CIRCUIT COURT CLERKS

(Prior to 1848, circuit clerks appointed by
circuit judges)

Robert W. Davis,	Duncan Carter Best,
September 4, 1848 (elected)	November 30, 1900
November 23, 1852,	Duncan C. Best,
November 14, 1856	December 5, 1904
Benjamin Sammons,	Albion E. Neal,
November 14, 1860	October 25, 1906
Francis Marshall,	George P. O'Brien,
November 21, 1864	April 9, 1907
Charles W. Jenkins,	Hugh Hall,
November 17, 1868	November 25, 1908,
Robert M. Van Doren,	November 22, 1912
November 30, 1872,	A. E. Neall,
December, 1, 1876	November 27, 1916
John J. McLean,	William E. Cole,
December 1, 1880,	December 6, 1920,
November 2, 1884	November 26, 1924,
John Fath,	November 23, 1928
December 3, 1888	Brewer H. Dammann,
Henry Wright,	November 28, 1932,
November 22, 1892	November 27, 1938
William H. Leahan,	
December 7, 1896	

SHERIFFS

(County collectors to 1839 and 1844 to 1873;
also served as county treasurers 1825 to 1827)

Joel Wright,	August 21, 1838,
August 26, 1822,	August 25, 1840,
September 2, 1824	August 29, 1842
John H. Rountree,	Thomas Standing,
September 1, 1826	August 15, 1844,
James Wilson,	August 3, 1846 (elected)
March 22, 1828,	Meredith I. Blockburger,
August 9, 1828,	August 7, 1848
August 17, 1830	John Corlew,
Austin Whitten,	November 20, 1850
August 14, 1832	Wooten Harris,
John Kirkpatrick,	November 23, 1852
August 13, 1834,	John Corlew,
September 6, 1836,	November 13, 1854

Roster of County Officers

Sheriffs (cont.)

McKenzie Turner,
November 13, 1856
Wooten Harris,
November 30, 1858
John Fogelman,
November 14, 1860
Harrison Brown,
December 20, 1862
William A. Young,
November 18, 1864
Frank H. Gilmore,
November 15, 1866
John T. McDavid,
November 17, 1868
Wm. Bowles,
November 19, 1870
November 29, 1872
Joseph A. Davis,
November 24, 1874
Leonard G. Fath,
December 1, 1876
Aron G. Butler,
December 2, 1878
Leonard G. Fath,
December 1, 1880
William A. Pyle,
December 1, 1882
John W. Griswold,

December 6, 1886
Henry Michel,
November 26, 1890
Henry N. Randle,
November 27, 1894
B. B. Casseday,
December 1, 1898
John Miller,
November 22, 1902
M. E. Bray,
November 24, 1906
M. T. Kiggins,
November 26, 1910
Charles W. Johnson,
November 25, 1914
Edwin T. Marshall,
November 21, 1918
Charles J. Hill,
November 29, 1922
Henry C. Hill,
November 22, 1926
Harry E. Saathoff,
November 25, 1930
Harry H. Blackburn,
November 27, 1934
Harry E. Saathoff,
September 14, 1938
Leo Gilliland,¹⁰

CORONERS

Joseph McAdams,
August 26, 1822
Jarvis Forehand,
August 20, 1824
James Isaacks,
September 1, 1826
William H. Loomis,
August 9, 1828
George H. Anderson,
January 9, 1830
Levi D. Boone,
August 12, 1830
Hugh McHightower,
August 14, 1832
George White,
November 16, 1832
Jarvis Forehand,
August 13, 1834,
August 9, 1836,
August 23, 1838
Samuel Porter,
August 7, 1840

Ira Boon
August 6, 1842
McKenzie Turner,
August 15, 1844
John L. Cook,
October 2, 1846,
August 23, 1848,
November 20, 1850,
November 23, 1852
James Wilson,
November 13, 1854
William Allen,
November 13, 1856
Duncan C. McIver,
November 3, 1857 (elected)
William Million,
November 2, 1858 (elected)
Isaac Skillman,
November 14, 1860
John T. Whittedge,
December 20, 1862

10. Shown as sheriff in **Official List of State and County Officers July 1, 1939**, p. 37.

Roster of County Officers

Coroners (cont.)

John O. Burnett,		Martin L. Moyer,	
November 18, 1864,		November 22, 1892	
November 15, 1866,		Henry A. Gray,	
November 17, 1868		November 7, 1896	
Joseph Fellers,		William A. Gray,	
November 19, 1870,		November 30, 1900	
March 14, 1873		Otto Hauser,	
William H. Cook,		December 1, 1904	
November 24, 1874,		William A. Gray,	
December 1, 1876		November 27, 1908,	
Sharps Field,		November 22, 1912	
December 2, 1878		C. S. Norvell,	
Robert B. Ault,		November 27, 1916	
November 2, 1880 (elected)		Jesse Boyd,	
Pyrant T. James,		December 2, 1920,	
December 1, 1882		November 26, 1924	
William F. Hicks,		George S. Chase,	
December 1, 1884,		November 27, 1928,	
December 3, 1888		November 28, 1932,	
		November 27, 1936	

STATE'S ATTORNEYS

(Appointed by the Governor to 1835; elected
by General Assembly 1836 to 1849; 1849 to 1872,
elected by circuit district electorate)

Ben E. Johnson,		L. V. Hill,	
November 13, 1872		November 30, 1900,	
Amos Miller,		December 5, 1904	
December 1, 1876,		Harry C. Stuttle,	
November 26, 1880		November 23, 1908	
Louis Allen,		J. Earl Major,	
November 21, 1884		November 22, 1912,	
Wm. M. Pearman,		December 2, 1916	
December 3, 1888		Frank M. Ramey,	
Thomas M. Jett,		November 24, 1920	
April 13, 1889,		November 26, 1924	
November 22, 1892		Lester K. Vandever,	
Milton M. Creighton,		November 27, 1928	
December 7, 1896		George A. Hall,	
		November 28, 1932,	
		November 27, 1936	

TREASURERS

(Treasurer and assessor to 1825, 1827 to 1839,
and 1844 to 1873; county collector 1873 to
date; supervisor of assessments 1898 to date)

William Shaffer, ¹¹ August 7, 1837 (elected)	December 27, 1875
Allen Karriker, ¹² August 5, 1839 (elected)	James Haynes, December 1, 1877, December 1, 1879
Jacob File, August 7, 1841 (elected)	Charles T. Tobin, December 1, 1882
Joseph Rolston, August 4, 1845 (elected)	Columbus A. Freeland, December 6, 1886
Andrew Burk, August 2, 1847 (elected)	John Greene, November 26, 1890
November 1849 "	Charles F. Bartling, November 26, 1894
November 5, 1851 "	Henry N. Randle, December 1, 1898
November 8, 1853 "	Daniel F. Brown, November 22, 1902
November 6, 1855 "	John Greene, November 24, 1906
James T. McDavid, December 12, 1857	John W. Rea, May 22, 1907, December 14, 1908
James B. McDavid, November 30, 1858, December 11, 1861, November 12, 1863, November 23, 1865	C. E. Landers, December 12, 1910
John H. Beatty, December 10, 1867, November 15, 1869	M. T. Kiggins, November 25, 1914
William Simpson, January 21, 1872	John W. Rea, November 26, 1918
John J. McLain, November 12, 1873	Owen W. Merriwether, December 2, 1922
Marion E. McWilliams,	

11. First state record of election or commission of treasurer; names and indicated terms of treasurers from 1821 to 1837 abstracted from county records. John Tillson appointed June 4, 1821. County Commissioners' Court Record, v. A, p. 4. John Tillson appointed March 3, 1823. Ibid., p. 17. Luke Lea Steel appointed March 1, 1824, succeeding John Tillson. Ibid., p. 27. Israel Seward appointed March 6, 1827. Ibid., p. 65. Israel Seward appointed March 4, 1828. Ibid., p. 75. Benjamin Roberts appointed March 2, 1829. Ibid., p. 85. Benjamin Roberts appointed March 1, 1830. Ibid., p. 95. James G. Herman appointed March 7, 1831. Ibid., p. 105. James G. Herman appointed March 5, 1832. Ibid., p. 123. Thomas A. Gray appointed March 4, 1833. Ibid., p. 151. Thomas A. Gray appointed March 3, 1834. Ibid., p. 176. Austin Whitten appointed March 2, 1835. Ibid., p. 191. Wm. Shaffer appointed March 7, 1837. Ibid., p. 239. Wm. Shaffer resigned March 6, 1838. Ibid., p. 257. James Street elected treasurer April 16, 1838. Ibid., p. 263. County records state, at meeting held September 2, 1839, that Calvin B. Hartwell was elected treasurer. Ibid., p. 293 (presumably, at August election). Calvin B. Hartwell also mentioned as treasurer September 7, 1840. Ibid., v. B, p. 8.
12. County records do not show Karriker serving as treasurer; for name of treasurer for year 1839, see footnote above.

Roster of County Officers

Treasurers (cont.)

Earl H. Swingle,
November 22, 1926
Edward R. Butler,
November 25, 1930

Louis C. Spinner,
November 27, 1934
Newell Hill,¹³

SUPERINTENDENTS OF SCHOOLS

(School commissioners to 1865)

William H. High,¹⁴
August 2, 1841 (elected)
August 7, 1843 "
David B. Jackson,
August 4, 1845 (elected)
Israel Seward,
August 2, 1847 (elected)
Charles Seward,
November 1849 (elected)
November 1851 "
W. D. Seymore,
November 12, 1853
John W. King,
November 6, 1855 (elected)
Joseph W. King,
December 12, 1857
John W. King, Sr.,
November 8, 1859 (elected)
Sparton Grishom,
December 11, 1861
John C. Tully,
November 12, 1863
John C. Tully,
November 23, 1865
Hiram L. Gregory,
November 15, 1869

Francis Springer,
November 12, 1873
Thomas E. Harris,
December 1, 1877
Jesse C. Barrett,
December 1, 1882,
December 6, 1886
Jacob L. Taylor,
November 26, 1890
William H. Groner,
November 27, 1894
William J. McDavid,
December 1, 1898,
November 22, 1902
John W. Harp,
November 27, 1906,
November 26, 1910
Everett A. Lewey,
November 25, 1914,
November 5, 1918 (elected)
John H. Grigg,
December 2, 1922,
November 22, 1926,
November 25, 1930
Walter F. Grotts,
July 16, 1935

SURVEYORS

(Beginning September 1936, surveyor appointed
by county board of supervisors)

John Gilson,
February 13, 1921
Robert Gillson,
January 10, 1925

John McPhaill,
September 8, 1925,
January 23, 1926
David B. Jackson,

13. Shown as county treasurer in **Official List of State and County Officers July 1, 1939**, p. 37.

14. First state record; names and indicated terms of superintendents to 1841 abstracted from county records. At a meeting held September 4, 1837, Israel Seward's bond as school commissioner was approved. County Commissioners' Court Record, v. A, p. 246. This is first mention of a school commissioner in the county records. His bond as school commissioner was also approved on September 3, 1838, *ibid.*, p. 269, and again on September 2, 1839, *ibid.*, p. 293.

**Housing, Care, and Accessibility
of the Records**

Surveyors (cont.)

February 15, 1831	Thomas Monroe,
Andrew M. Braley,	November 16, 1869
August 12, 1835	John N. Keith,
Thomas A. Gray,	November 19, 1870
December 31, 1836,	David M. Starr,
August 17, 1839	January 2, 1872
Charles Seward,	Edmund Fish,
August 14, 1843,	November 9, 1875,
August 11, 1847	December 1, 1879
Thomas A. Gray,	David M. Starr,
December 8, 1849,	December 1, 1882,
November 10, 1851	November 4, 1884 (elected)
James R. Welch,	December 3, 1888,
November 12, 1853	December 6, 1892,
James A. Starr,	December 7, 1896,
November 12, 1855	November 22, 1900,
Duncan C. McIver,	December 1, 1904,
December 12, 1857	December 3, 1908 (elected)
Adam H. Bell,	November 5, 1912 "
December 30, 1859	November 7, 1916 "
James A. Starr,	John Johnson,
November 25, 1861	November 2, 1920 (elected)
John D. Williamson,	William Baird,
March 16, 1863	November 4, 1924 (elected)
D. D. Swaney,	Harry Bell,
November 12, 1863	November 6, 1928 (elected)
George W. Paisley,	H. A. Cress, Jr.,
November 23, 1865	November 8, 1932 (elected)
Josiah Whitten,	
November 22, 1867	

4. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The first courthouse in Montgomery County, erected in 1823-1824, in Hillsboro after the county seat had been removed from Hamilton,¹ had been in use ten years when the need for a larger building to accommodate increased business caused the county board to advertise for bids for the erection of a new courthouse, September 3, 1833.² Not until October 18 was the contract to build let to Austin Whitten for the sum of \$1,600.³ Work progressed rather slowly, but on April 13, 1835, the county board finally accepted the new building as being completed according to agreement and ordered the sheriff to sell the old courthouse.⁴ Work on the interior dragged on for more than four years, however, and before final completion in 1839, a new roof was necessary.⁵ The completed building, located in the center of the public square, was a two-story, frame structure with a cupola. The floor on the first story was of brick while that on the second story was of planks. The total cost, including what had been paid Austin Whitten on his contract, was \$5,148.48.⁶

This second courthouse served the county for over thirty years. Repairs were made on it in 1850, costing \$469.⁷ In 1852, and the year following, it was completely remodeled by Ira Millard at a cost of \$4,231.55,⁸ and in 1858 a vault was installed for \$721.60.⁹ In 1864, the courthouse was again repaired at a total cost of \$333.45.¹⁰

After the close of the Civil War, a movement gaining popular support, grew in favor of removing the county seat from Hillsboro, as several localities claimed to be better situated for the efficient administration of county business. When the proposal was made to build a new courthouse, the question of removal of the county seat to Litchfield became insistent. Under the circumstances the county board decided that it was more desirable to merely remodel the courthouse than to build a new one while there was some likelihood of the county seat being changed.

The remodeling, as carried through, was begun in 1868 and completed in 1872 and resulted in a completely rebuilt courthouse. Contract for construction was awarded to H. H. Black and Company, of

1. For the history of the selection of Hillsboro as county seat in 1823, two years after the county had been established, and the erection of the first court-house, see Historical Sketch, p. 12, 15, 16.
2. County Commissioners' Court Record, v. A, p. 166.
3. Ibid., p. 168. The terms were \$400 in advance, \$300 on March 10, 1834, and \$300 every March 10 until paid.
4. Ibid., p. 199.
5. Ibid., p. 266, 301.
6. Ibid., p. 185, 205, 212, 222, 234, 239, 240, 253, 257, 269, 277, 293, 295, 301.
7. County Court Record, v. 1, p. 20.
8. Ibid., p. 119, 129, 130.
9. Ibid., p. 372, 373.
10. Ibid., v. C, p. 235, 237, 238, 240.

**Housing, Care, and Accessibility
of the Records**

Litchfield, on June 2, 1868, by Joseph C. Hanner who had been appointed agent for the county to take charge of the work, with strict orders to adhere to the plans prepared by G. B. Randall.¹¹ The cost of construction was \$61,444.25,¹² entirely financed from the sale of swamp lands.¹³ The main feature of the remodeled courthouse was the county jail, located on the third floor with the sheriff's living quarters on the second floor; this space was released when a new jail was built in 1909.¹⁴

No radical change in the outward appearance of the courthouse was ever made with the exception of an addition¹⁵ on the northwest corner which was erected in 1912 to accommodate the county court but which space is now used by the treasurer. Facilities for sanitation were installed in 1902 for \$1,174 by George W. Brown,¹⁶ and in 1918 by Brock and Martin at a cost of \$3,464.¹⁷ In 1930 repairs were made on the tower at a cost of \$855,¹⁸ and in 1937 a government project improved certain rooms in the basement at a cost of \$800.¹⁹

The courthouse stands today practically as did the original building, in the center of the public square. It is three and one-half stories high and built of brick; in size it is 50 feet high, 84 feet wide, and 98 feet long. There are two decorative cupolas on the north side rising 12 feet above the roof, and a square tower to the left of the main entrance on the southwest corner, rising 26 feet above the roof. Two interesting architectural features distinguish the building and directly affect the interior floor layouts. One is the square tower which incloses a winding stairway that leads from the main floor to the circuit court room, on the second floor, and the other is an abutting part of the courthouse on the east, the exterior of which is treated as a separate unit architecturally by being capped with a mansard roof to harmonize with a similar roof on the tower. The remainder of the courthouse is covered with a gently sloping roof coming to a point at the center.

The interior is remarkably well arranged from the standpoint of efficient use of existing space. A long corridor running north and south divides the first floor into two parts. The west half of the courthouse contains the sheriff's office; the county clerk's private office, his main office, and his vault; the treasurer's office, and the county judge's office. The east half of the courthouse contains the circuit clerk's suite, which consists of his outer office, his main office, and his private office. From the circuit clerk's outer office a door on the north leads into a short hall which in turn opens on the main central corridor. The office of the superintendent of highways occupies the northernmost section of the east half of the first floor.

11. County Court Record, v. D, p. 44, 87, 88.

12. Ibid., p. 415.

13. Ibid., p. 44.

14. Supervisors' Record, v. F, p. 283.

15. Ibid., p. 505.

16. Ibid., p. 67.

17. Ibid., v. G, p. 505.

18. Ibid., v. I, p. 51.

19. Ibid., p. 569.

Housing, Care, and Accessibility of the Records

Two stairways within the courthouse proper, lead to the second floor. One is just outside of the county judge's and treasurer's offices, the other is within the circuit clerk's suite. Both of these stairways lead to small halls, the former on the north end of the courthouse, the latter on the east end. Occupying the main section of the second floor is the large circuit court room, two stories in height, public entrance to which is made from the stairway tower on the southwest; admission is also gained from the stair hall and from the hall to the circuit judge's counsel rooms and chambers. The circuit judge's counsel room, and chambers, and a large counsel room are in the architecturally abutting east section. The north part of the second floor contains the state's attorney's suite of three rooms, the superintendent of schools suite of two rooms, and a men's lavatory, all of which rooms surround a large hall in the center of which, but flanking the wall of the circuit court room, is the stairway that leads on to the third floor.

The practical development of the architectural features pointed out in the description of the first and second floors, creates a curious anomaly on the third floor. Due to the two-story height of the circuit court room, the north part of the third floor and the abutting part on the east are completely isolated from each other, while the tower becomes merely a decorative feature of the exterior with no access to the interior. The north part of this floor contains the grand jury room and the jurors' sleeping quarters. The east part contains a petit jury room and jurors' sleeping quarters, separated by the stairway which continues on to the attic. The attic is separated into two large rooms, the northern one of which is vacant.

The layout of the basement is as interesting in detail as are the upper stories of the courthouse. Though there are four entrances to the basement from the outside at the four corners of the building, there is only one entrance down from the main floor. An entrance in the vestibule beneath the stairway towers leads into the women's restrooms. On the opposite side, beneath the abutting part of the courthouse, an entrance leads to the boiler room. On the northwest side a door leads into offices constructed by the Work Projects Administration which at this writing are not permanently assigned. On the northeast side an entrance leads to a men's lavatory. Finally, entrance from the main floor is gained by a stairway on the north side of the courthouse which leads to a little hallway that opens in turn on a long meandering corridor. Around this corridor are an oil storage room, the common vault, the small vault, a small ballot vault, and a store room. The corridor then twists around the boiler room in the southeast part of the basement and leads to a little hall beyond which is the coal room. (For detailed floor plans of courthouse, see pages 73-77.

Certain county records are also kept by various officials outside of the courthouse. Thus: some of the sheriff's records are in the deputy sheriff's office in the county jail; the coroner's, in his residence at 930 South Oak Street, Hillsboro; the probation officer's, in

her residence at 824 South State Street, Litchfield; the department of public welfare, in the old age assistance office in the Old Bank Building, 220 South Main Street, Hillsboro; the county farm superintendent's, in his home, 2 miles southwest of Hillsboro, R. F. D. 1; and the mine inspector's, in his residence at 833 Anna Street, Hillsboro.

The distribution of records in offices and vaults in the Montgomery County courthouse indicate that only comparatively recent records are housed in the individual offices, these being the most often consulted. About 74 per cent of record volumes are stored in the various vaults. On the other hand, 59 per cent of the file boxes and 65 per cent of miscellaneous records are kept in the various offices. (For allocation of records according to offices in the depositories, as well as percentages of records stored therein, see charts on pages 71-72; for detailed information on the individual depositories with a description of facilities for the housing of records, see charts on pages 67-70.)

Provisions for careful housing and maintenance of records, with a view toward their best preservation, have been carried out. Binding and repair of record volumes are under direct supervision of the county board. Indexing and filing of records follow systems generally adopted and employed by other counties in Illinois.

CHART OF DEPOSITORIES, SHOWING LOCATION, CONTENTS, AND CONDITION
 Montgomery County Courthouse, Main and Seward Streets, at Public Square, Hillsboro
 (Three and one-half stories and basement; brick construction (1868) 350,000
 cubic feet)

Depository	Floor Location	Dimensions	Floors	Walls & Ceiling	Light & Ventilation	Accommodations	Shelving		Records			Housing and Accessibility
							Type	Feet	Quantity			
									Vols.	Containers	Miscellaneous	
Co. clk.'s off.	1st W.	14x24x21	tile	plaster wood	electric 2 windows	1 desk 3 chairs	steel	17	280	602 f.b. 27 f.d.	2 bdl.	good
Co. clk.'s priv. off.	1st SW.	14x24x21	tile	plaster wood	electric 2 windows	1 desk 5 chairs	steel	8	--	--	--	good
Co. clk.'s vlt.	1st W.	8x10x10	tile	plaster	electric no windows	none	wood	10	1	--	--	dusty
Cir. clk.'s outer off.	1st SE.	14x22x34	tile	plaster metal	electric 1 window	2 desks 3 tables 4 chairs	steel	216	30	--	--	good
Cir. clk.'s off.	1st SE.	14x19x24	wood	plaster metal	electric 3 windows	4 tables 1 desk 5 chairs	steel	488	280	365 f.b.	4 envelopes	crowded
Cir. clk.'s priv. off.	1st E.	14x11x13	tile	plaster	electric 1 window	1 desk 2 tables 5 chairs	--	--	--	18 f.b.	--	good
Sh.'s off.	1st SW.	14x12x26	stone	plaster wood	electric 1 window	2 desks 4 chairs	steel	50	3	2 f.b.	--	good
Co. Judge's off.	1st NW.	14x13x20	wood	plaster metal	electric 1 window	1 desk 4 chairs	wood	36	4	--	--	good

CHART OF DEPOSITORIES, SHOWING LOCATION, CONTENTS, AND CONDITION

Depository	Floor Location	Dimensions	Floors	Walls & Ceiling	Light & Ventilation	Accommodations	Shelving		Records			Housing and Accessibility
							Type	Feet	Vols.	Con-tainers	Miscellaneous	
State's atty.'s off.	2nd E.W.	14x14x18	wood	plaster metal	electric 3 win-dows	4 tables 1 desk 5 chairs	steel	9	--	11 f.b.	--	good
Treas.'s off.	1st N.W.	14x26x31	wood	plaster metal	electric 5 win-dows	1 table 4 chairs	steel wood	200	74	65 f.b. 2 f.d.	1 wood box	good
Supt. of schools off.	2nd N.E.	14x14x20	wood	plaster	electric 3 win-dows	1 desk 2 tables 5 chairs	wood	55	428	21 f.b.	4 folders	crowded
Supt. of schools priv. off.	2nd N.E.	14x11x13	wood	plaster	electric 1 win-dow	1 desk 1 table 4 chairs	wood	12	13	--	5 bdl.	good
Supt. of highways off.	1st N.E.	14x12x26	wood	plaster metal	electric 2 win-dows	2 desks 3 tables 4 chairs 2 stools	wood	112	19	23 f.b. 2 f.d.	1 bdl. 6 maps	good
Com. vit.	1st N.E.	14x13x19	cement	cement.	electric no win-dows	1 table 6 chairs	steel	2424	1459	767 f.b.	--	dusty; more space and equipment needed
Small vit.	basmt. E.	9x11x20	cement	brick	electric no win-dows	1 table 4 chairs	wood	213	661	5 f.d.	2 wood boxes	dusty
Com. vit.	basmt. N.E.	9x19x19	cement	brick cement	electric 2 win-dows	1 table 4 chairs	wood	225	1013	--	12 bdl. 1 wood box	dusty; damp; need 25% more equipment
Attic str.	4th S.E.	9x19x19	wood	unfinished	1 small window poor	none	wood	135	165	--	2 wood boxes	dusty; hot; sooty

CHART OF DEPOSITORIES, SHOWING LOCATION, CONTENTS, AND CONDITION

Montgomery County Jail, 1 North Main Street, Hillsboro

(Two stories; brick and concrete construction (1908); 123,480 cubic feet)

Depository	Floor Location	Dimensions	Floors	Walls & Ceiling	Light & Ventilation	Accommodations	Shelving		Records			
							Type	Feet	Quantity			
									Vols.	Containers	Miscellaneous	Housing and Accessibility
Deputy sh.'s off.	1st	15x25x40	concrete	brick plaster	electric 9 windows	1 table 9 chairs	--	--	3	--	--	good

George S. Chase, Coroner, 930 South Oak Street, Hillsboro

(Residence; one story; frame construction (1910); 24,000 cubic feet)

Depository	Floor Location	Dimensions	Floors	Walls & Ceiling	Light & Ventilation	Accommodations	Shelving		Records				
							Type	Feet	Vols.	Quantity			
										Containers	Miscellaneous		
Cor.'s off.	1st	9x12x14	wood	plaster	electric 1 win- dow	1 table 1 chair	-	-	19	-	-	-	good

Mrs. Jerry Ward, Probation Officer, 824 South State Street, Litchfield

(Residence; one story; frame construction (1920); 12,480 cubic feet)

Depository	Floor Location	Dimensions	Floors	Walls & Ceiling	Light & Ventilation	Accommodations	Shelving		Records			Housing and Accessibility
							Type	Feet	Vols.	Quantity		
										Containers	Miscellaneous	
Off. of probation officer	1st	9x12x14	wood	plaster	electric } windows	1 table } chairs	--	--	1	--	--	good

CHART OF COUNTY OFFICES, SHOWING PERCENTAGE OF RECORDS IN DEPOSITORIES

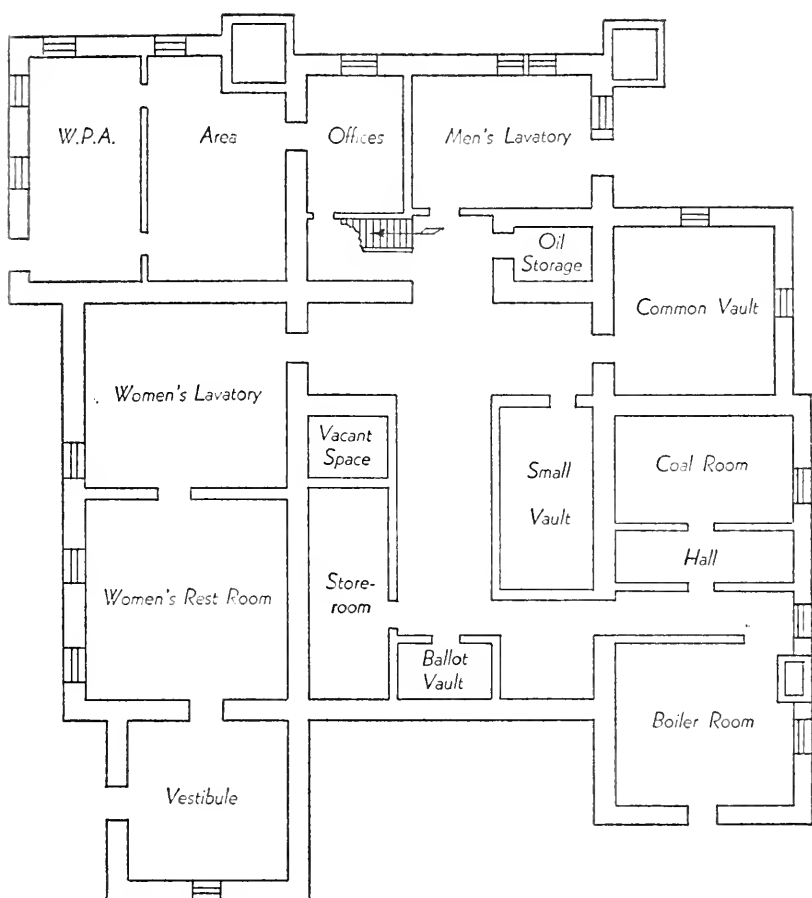
Office	Volumes	Containers	Miscellaneous	Depository and Percent of Records*
County board	109	435 f.b. 5 f.d.	1 bdl. 2 wood boxes	Co clk.'s off., 58; com.vlt.1st fl., 41; small vlt. bsmt., 1
County clerk	2455	153 f.b. 27 f.d.	- - -	Co clk.'s off., 7; com.vlt.1st fl., 36-; treas.'s off., 1; com.vlt.bsmt., 43; small vlt. bsmt., 13; attic strm
Recorder	584	- - -	- - -	Cir. clk.'s off., 20; com. vlt. bsmt., 3; com. vlt.1st fl., 72; cir. clk.'s outer off., 5
County court	62	115 f.b.	- - -	Co. clk.'s off., 33; co. clk.'s vlt., 1; com. vlt. bsmt., 13; com. vlt. 1st fl., 48; co. judge's off., 3; off. of probation officer, 1
Probate court	248	329 f.b.	- - -	Co. clk.'s off., 40; com. vlt. 1st fl., 53-; com. vlt. bsmt., 7; co. judge's off.
Circuit court	393	716 f.b.	4 envelopes 2 wood boxes	Cir. clk.'s off., 50-; com. vlt. 1st fl., 20; com. vlt. bsmt., 5; attic strm, 24; cir. clk.'s private off.
Sheriff	19	2 f.b.	- - -	Sh.'s off., 16; com. vlt. bsmt., 69; deputy sh.'s off., 15
Coroner	21	- - -	- - -	Cor.'s off., 80; com. vlt. bsmt., 20
State's attorney	- - -	11 f.b.	- - -	Off. of state's atty., 100

*Minus sign after percentage figure indicates a deficiency of less than one half of one percent; for fractional quantities of records, depositories only are listed.

CHART OF COUNTY OFFICES, SHOWING PERCENTAGE OF RECORDS IN DEPOSITORIES

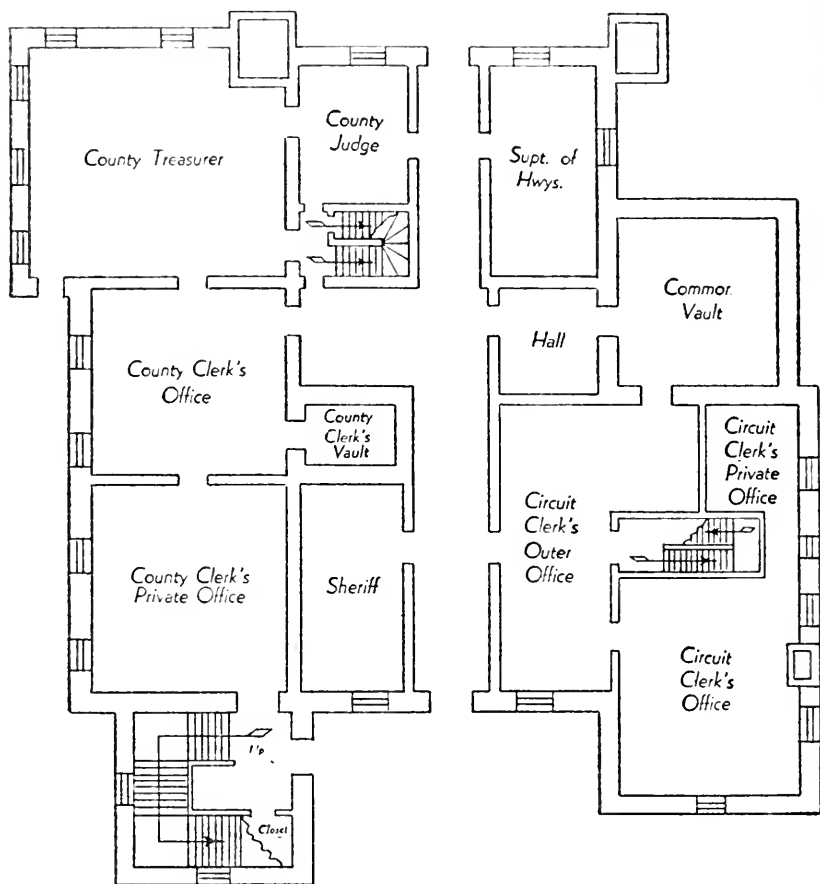
Office	Volumes	Containers	Miscellaneous	Depository and Percent of Records*
Supervisor of assessments	- - -	41 f.b.	7 bins	Treas.'s off., 75; com. vlt. bsmt., 25
Board of review	10	- - -	- - -	Small vlt. bsmt., 70; co. clk.'s off., 30
Collector	50	15 f.b.	5 bins	Treas.'s off., 67; attic strm., 30; com. vlt. bsmt., 3
Treasurer	33	9 f.b. 2 f.d.	2 wood boxes	Treas.'s off., 87; com. vlt. bsmt., 1; com. vlt. 1st fl., 2; attic strm., 10
Superintendent of schools	450	21 f.b.	5 bdl. 4 folders	Off. of supt. of sch., 75; private off. of supt. of sch., 20; com. vlt. 1st fl., 5
Superintendent of highways	19	23 f.b. 2 f.d.	1 bdl. 6 maps	Off. of supt. of hwy., 100
Surveyor	3	- - -	- - -	Com. vlt. 1st fl., 100
Drainage commission	2	4 f.b.	- - -	Com. vlt. 1st fl., 100
Department of public welfare	1	14 f.b.	- - -	Old age assistance off., 100
County home	2	- - -	- - -	Kitchen, home of supt. of co. farm, 100
Tuberculosis sanitarium board	- - -	- - -	- - -	No records kept by board; its reports to county board in supervisors' records
Mine inspector	2	- - -	- - -	Off. of inspector of mines, 100

*Minus sign after percentage figure indicates a deficiency of less than one half of one percent; for fractional quantities of records, depositories only are listed.



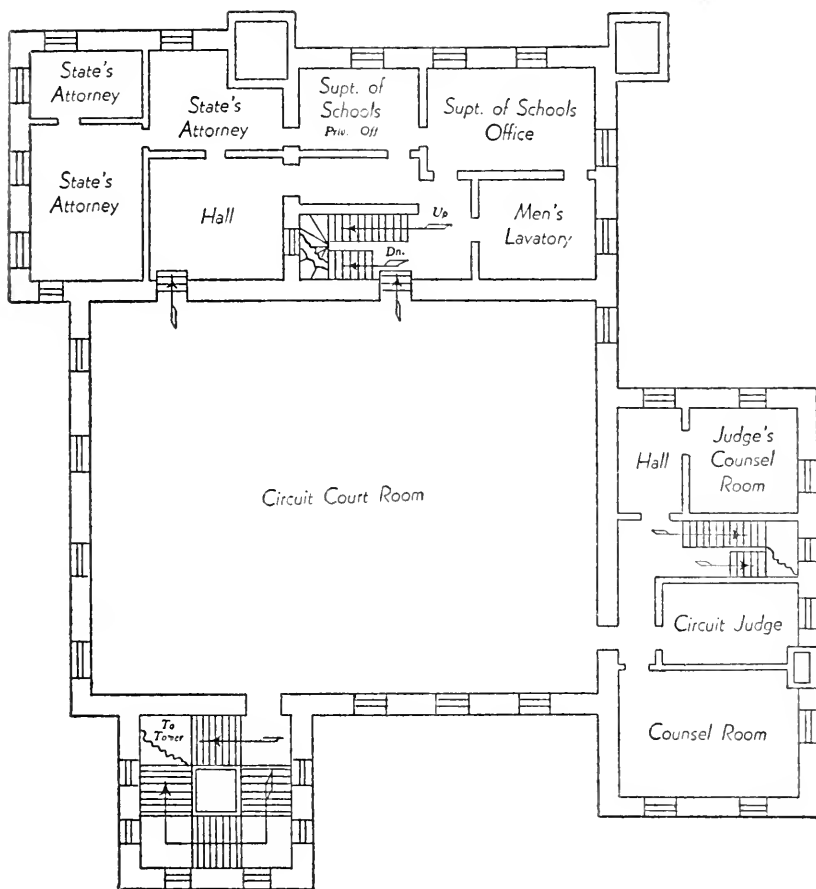
Montgomery County Courthouse

BASEMENT



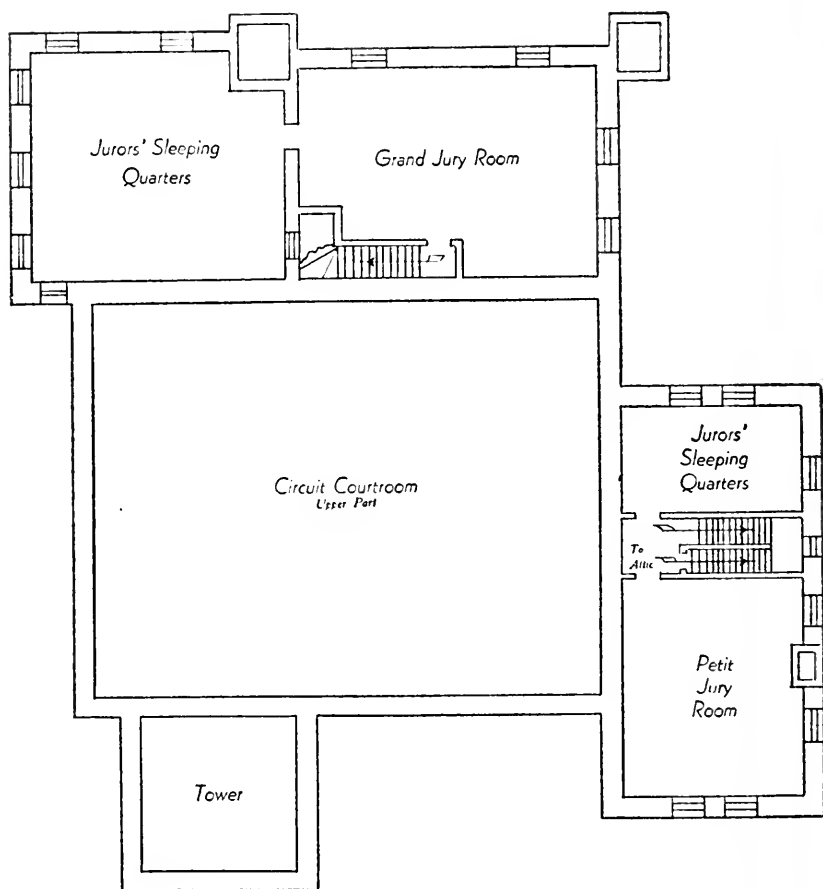
Montgomery County Courthouse

FIRST FLOOR



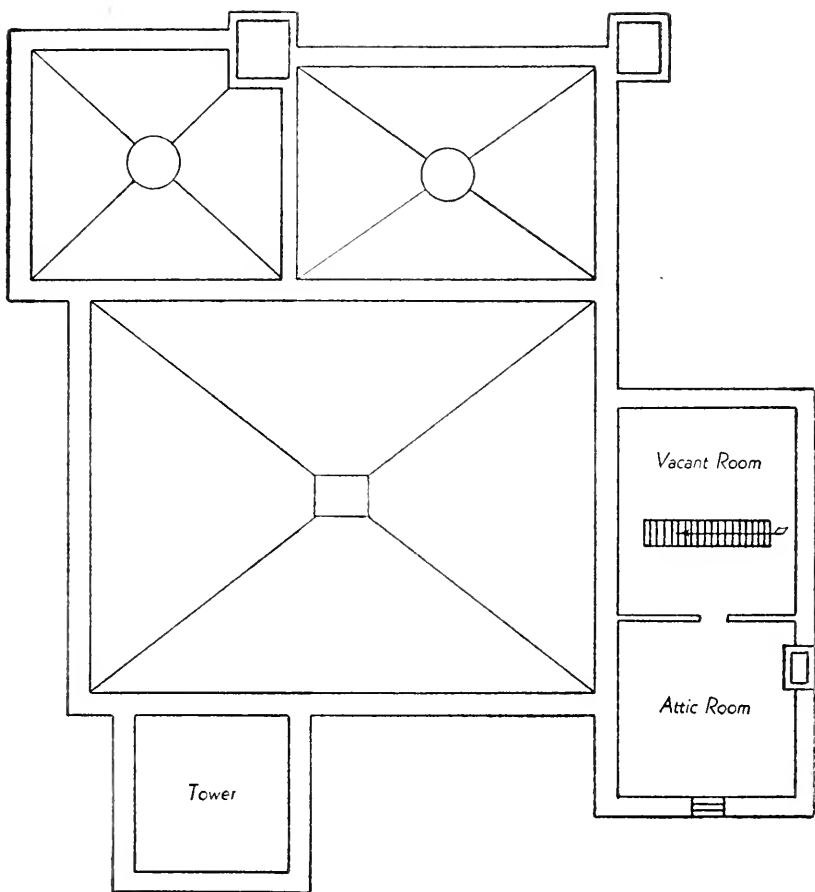
Montgomery County Courthouse

SECOND FLOOR



Montgomery County Courthouse

THIRD FLOOR



Montgomery County Courthouse

ROOF and ATTIC

5. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

alph.	alphabetical(ly)
app.	appendix
arr.	arranged (arrangement)
Art.	Article
assr.	assessor
atty.	attorney
aud.	auditor
bd.	board
bdl.	bundle(s)
bldg.	building
bsmt.	basement
cf.	confer (compare)
ch.	chapter(s)
chron.	chronological(ly)
cir.	circuit
clk.	clerk
co.	county
coll.	collector
cont.	continued
cor.	coroner
ct.	court
dept.	department
f. b.	file box(es)
f. d.	file drawer(s)
f., ff.	and following page (pages)
fl.	floor
fm.	form
ft.	feet
hdgs.	headings
hdw.	handwritten
hwys.	highways
ibid.	ibidem (in the same place)
i. e.	id est (that is)
Ill.	Illinois Reports (Supreme Court)
Ill. App.	Illinois Appellate Court (Reports)
Ill. S. A.	Illinois Statutes Annotated
in.	inch(es)
infra.	below or following
L.	Laws (of Illinois)
loc. cit.	loco citato (in the place cited)
mi.	mile(s)
n.	footnote(s)
no.(s)	number(s)
N. W.	Northwestern Reporter
off.	office
op. cit.	opere citato (in the work cited)
p.	page(s)
pr.	printed
pro.	probate
rec.	recorder

**Abbreviations, Symbols, and
Explanatory Notes**

Abbreviations, Symbols, and Explanatory Notes (cont.)

R. L.	Revised Laws (of Illinois)
rm.	room
R. S.	Revised Statutes (of Illinois)
sch.	school(s)
sec.	section(s)
sep.	separate
Sess.	Session
sh.	sheriff
Sp.	Special
strm.	storeroom
supra	above or preceding
supt.	superintendent
surv.	surveyor
treas.	treasurer
twp.(s)	township(s)
U. S. R. S.	United States Revised Statutes
U. S. Stats. L.	United States Statutes at Large
v.	volume(s)
vet.	veterinarian
vice	in place of
vlt.	vault
--	current

1. Despite inaccuracies in spelling and punctuation, titles of records are shown in the inventory proper exactly as on volumes and file boxes. The current or most recent title is used as the title of the entry.

2. Explanatory additions to inadequate titles and corrections of erroneous titles are enclosed in parentheses and have initial capitals.

3. In the absence of titles, supplied titles are capitalized and enclosed in parentheses.

4. In the title set-up, letters or numbers in parentheses indicate the exact labeling on volumes or file boxes. If the volumes or file boxes are unlabeled, no labeling is indicated.

5. Title lines cross references are used to complete series for records kept separately for a period of time, and in other records for different periods of time, as in entry 4, "1821-1900 in Supervisors' Record, entry 3." They are also used in all artificial entries—records which must be shown separately under their own proper office or section heading even though they are kept in files or records appearing elsewhere in the inventory as in entry 14, "1889-1918 in (Miscellaneous Files), entry 85; 1919-- in proceedings of Board of Supervisors, entry 2." In both instances, the description of the master entry shows the title and entry number of the record from which the cross reference is made, as in entry 3, "Also contains Supervisors' Records—Petitions and Reports (List of Allowed Claims), 1821-1900, entry 4." Dates shown in the description of the master entry are only for the part or parts of the record contained therein, and are shown only when they vary from those of the master entry.

6. Separate third paragraph cross references from entry to entry, and "see also" references under subject headings, are used to show prior, subsequent, or related records which are not part of the same series.

7. Where no explanation of the beginning or for the discontinuance of a record is given, and where no cross reference appears, the information explaining such beginning or discontinuance could not be ascertained.

8. Unless the index is self-contained, an entry for the index immediately follows its record entry. Cross references are given for exceptions to the rule.

9. Records may be assumed to be in good condition unless otherwise indicated.

10. On maps and plat records, the names of author, engraver, and publisher, and information on scale have been omitted only when these data were not ascertainable.

11. Unless otherwise specified, all records are located in the county courthouse.

B. COUNTY OFFICERS AND THEIR RECORDS



I. COUNTY BOARD

In Illinois, the county board is that body which exercises the corporate or politic power of the county.¹ In Montgomery County since 1821² three bodies have successively acted as a county board: the county commissioners' court, the county court, and the board of supervisors.

The Constitution of 1818 provided that there should be elected in each county, for the purpose of transacting all county business, three commissioners whose term of service, powers, and duties should be regulated and defined by law.³ The first General Assembly denominated the commissioners a court of record, styled the county commissioners' court.⁴ Four annual sessions were required to be held for six days each, unless the business should be completed sooner; additionally, any one of the commissioners had power, upon giving five days notice to the remaining commissioners and the clerk of the court, to call a special court which had the same authority as at a regular session.⁵ The first commissioners were elected for an irregular term;⁶ subsequently it was provided that they should be elected at each biennial general election.⁷ In 1837 the term was lengthened to three years and staggered, with one new commissioner elected annually.⁸ Thereafter, the commissioner who was longest in office was to be recognized as the presiding officer of the court.⁹ Compensation, originally set at the sum of \$2.50 for each day's attendance in holding court,¹⁰ later was reduced to \$1.50.¹¹ In 1821 provision was made for the removal of commissioners for malfeasance or nonfeasance of duties, with proceedings as in criminal cases;¹² when the first criminal code was enacted in 1827, the penalty was modified to a fine of not more than \$200, with removal from office only upon recommendation of the jury.¹³ Vacancies resulting from any cause were filled by special election upon order of the clerk of the court to the district judges of election.¹⁴

1. **R. L. 1827**, p. 107; **R. S. 1845**, p. 130; **R. S. 1874**, p. 306.

2. Montgomery County was created in 1821. **L. 1821**, p. 142, 143.

3. Constitution of 1818, Schedule, sec. 4.

4. **L. 1819**, p. 175.

5. *Ibid.*, p. 175, 176.

6. *Ibid.*, p. 100. The commissioners were to continue in office from the election held on the fourth Monday in April, 1819, until the first Wednesday in August, 1820, and until their successors were elected and qualified. Not until 1821 was provision made for the election of such successors (**L. 1821**, p. 80). In Montgomery County, the first commissioners held office from April, 1821, to August, 1822, the first occurrence of a regular biennial election.

7. **L. 1821**, p. 80.

8. **R. L. 1837**, p. 103, 104. In 1838, to initiate the new procedure, three commissioners were elected; by lot, they held office respectively one, two, and three years.

9. *Ibid.*, p. 104.

10. **L. 1819**, p. 176.

11. **R. L. 1827**, p. 205.

12. **L. 1821**, p. 20-22. Conviction further carried disqualification from holding office for one year.

13. **R. L. 1827**, p. 145.

14. **R. L. 1837**, p. 104. No election was required to be held if the term of the commissioner vacating office would have expired within six months from the date of vacancy.

County Board

In 1848 when the State of Illinois adopted a new constitution, the county commissioners' court was discontinued. In its place, the constitution provided for an administrative body to be composed of an elected officer, the county judge, and such number of justices of the peace as should be required by law.¹⁵ In the following legislative session, the General Assembly provided for the election of two justices of the peace to sit with the county judge to transact county business.¹⁶ Their term of office, like that of the county judge, was set at four years.¹⁷ This body, styled the county court, was required to hold four sessions annually and when so sitting, had all power, jurisdiction, and authority formerly conferred upon the county commissioners' court.¹⁸ The compensation of the county judge was originally set at \$2.50 for every day of holding court.¹⁹ In 1855 the amount was increased to \$3.00.²⁰

The new constitution also directed the General Assembly to provide, by general law, for a township organization under which any county might organize whenever a majority of the voters in the county should so determine.²¹ By provision of the subsequent enabling acts,²² a board of supervisors, whose members were to be elected one in each township annually,²³ was created to transact all county business in counties adopting township organization.²⁴ The board of supervisors was to meet for one regular session a year with the provision that special meetings might be held when convenient.²⁵ The board members were compensated at the rate of \$1.50 a day,²⁶ and a fine was provided in the sum of \$250.00 for refusal to perform, or neglect of, duties.²⁷

Throughout the second constitutional period, Montgomery County was governed by a county court, not electing township organization until 1872. By that time Illinois had adopted a new constitution which, while continuing the provision for township organization in

15. Constitution of 1848, Art. V, sec. 16, 17, 19.

16. **L. 1849**, p. 65, 66.

17. Constitution of 1848, Art. V, sec. 17; **L. 1849**, p. 62, 65, 66.

18. **L. 1849**, p. 65.

19. *Ibid.*, p. 63.

20. **L. 1855**, p. 181.

21. Constitution of 1848, Art. VII, sec. 6.

22. **L. 1849**, p. 190-224; **L. 1851**, p. 35-78. The later law repealed and was a complete substitute for the earlier, but so far as the effect on the sphere of county government is concerned, there was almost no difference between the two.

23. **L. 1849**, p. 192; **L. 1851**, p. 38.

24. **L. 1849**, p. 202-4; **L. 1851**, p. 50-52.

25. **L. 1849**, p. 202; **L. 1851**, p. 51. In 1861 it was provided that special meetings could be called upon request of one third of the members of the board (**L. 1861**, p. 236). Since 1899 two regular meetings have been required to be held by the board (**L. 1899**, p. 363).

26. **L. 1849**, p. 203; **L. 1851**, p. 52. In 1861 compensation was increased to \$2.00 a day (**L. 1861**, p. 238).

27. **L. 1849**, p. 203, 204. This fine was reduced in 1851 to \$200 (**L. 1851**, p. 52). Subsequent legislation reduced it still further and added the more frequent penalty for misfeasance, disqualification from office (**R. S. 1874**, p. 1080).

County Board

counties so electing,²⁸ had provided for a different form of county board to supplant the county court as an administrative body. This board was to consist of three officers, styled county commissioners, and by subsequent legislation, was given all powers, jurisdiction, and authority formerly vested in the county court when acting in its administrative capacity.²⁹ As Montgomery retained township organization from 1872 to the present, the county has never been affected by this change.

Since 1874, population has been recognized as a factor in local representation on the board of supervisors. In that year, each town or city, in addition to its regular supervisor, became entitled to one assistant supervisor if it had four thousand or more inhabitants, two if sixty-five hundred, and one more for every additional twenty-five hundred.³⁰ The assistant supervisors, whose terms run concurrently with those of the regular supervisors,³¹ have no powers or duties as town officers, but are members of the county board and enjoy the same powers and rights as other members.³² The population requirements in this respect have since changed, but have not affected Montgomery County.³³ At present its board of supervisors has twenty-two members. The term of supervisors, lengthened in 1889 to two years,³⁴ was further extended in 1931 to four years.³⁵ Compensation was increased from \$1.50 to \$5.00 a day in 1919,³⁶ lowered to \$4.00 in 1933,³⁷ and raised again to \$5.00 in 1937,³⁸ with an allowance of five cents per mile for necessary travel.

The functions of the Illinois county board, in contrast to its legal status, have undergone little change since the beginning of statehood, the development being merely one of accretion and increasing complexity of duties within a well defined and nearly static sphere of authority and jurisdiction. The law establishing the court of county commissioners conferred upon it jurisdiction in all matters concerning county revenue.³⁹ Of this basic provision, nearly all other statutory powers of the court can be considered extensions; some, enunciated in the same law, already show such a legislative viewpoint. The court was given power to regulate and impose the county tax and to grant such licenses as might also bring in a revenue; additionally, it

28. Constitution of 1870, Art. X, sec. 5.

29. Ibid., Art. X, sec. 6; **L. 1873-74**, p. 79, 80.

30. **R. S. 1874**, p. 1075.

31. Ibid., p. 1115.

32. **R. S. 1874**, p. 1080; **L. 1925**, p. 605; **L. 1929**, p. 774; **L. 1931**, p. 905, 907; **L. 1933**, p. 1115.

33. In 1931 a different set of population requirements was applied to counties of one hundred thousand or more inhabitants (**L. 1931**, p. 908). Two years later the differentiating figure was reduced to ninety thousand (**L. 1933**, p. 1116). Montgomery County with its population of 35,278, according to the 1930 U. S. Census, was not affected at either time.

34. **L. 1889**, p. 109; **L. 1917**, p. 793; **L. 1925**, p. 605.

35. **L. 1931**, p. 905.

36. **L. 1849**, p. 203; **L. 1857**, p. 186; **L. 1871-72**, p. 444; **L. 1919**, p. 569.

37. **L. 1933**, p. 615.

38. **L. 1937**, p. 601.

39. **L. 1819**, p. 175.

was given authority over all public roads, canals, turnpike roads, and toll bridges.⁴⁰ Other legislation by the first General Assembly gave the court power to buy and sell lots whereon to erect county buildings and to contract for their construction;⁴¹ later, in the case of the courthouse at least, the court was declared to have the care and custody of the property and the right to make certain disposition of it.⁴² Care of the indigent was also made a function of the court; it was required to make appropriation, to be levied and collected in the same manner as other county revenue, for their support. As an extension of this fiscal function, it was required to appoint an overseer of the poor in every township and establish a county poorhouse if necessary.⁴³ Fiscal control over school lands was exercised at first solely through the court's power of appointment of the trustees of school lands;⁴⁴ after the creation of the office of county school commissioner,⁴⁵ firmer control was effected through the medium of reports which the commissioner was required to submit to the court.⁴⁶ By the terms of another early provision, a significant precursor of many similar ones to be found in more recent years, the court also had authority to examine the full accounts of the commissioner.⁴⁷ Other aspects of government which, farther removed from the fiscal core, come early into this jurisdictional sphere, are elections and juries. With regard to the former, the court was authorized to establish election precincts,⁴⁸ appoint judges of election,⁴⁹ and allow compensation to election officials for services and stationery.⁵⁰ Its duty with regard to juries was relatively simple; it was required to select two panels each of petit and grand jurors. The former were required to be enrolled on the list of taxable inhabitants; the latter only to be freeholders or householders.⁵¹

The substitution of the county court for the county court commissioners' court produced no important changes in the sphere of government; neither the second constitution nor the enabling legislation made any original pronouncements with regard to the powers or duties of the former.⁵²

The revised law on township organization, in the main, only made

40. **L. 1819**, p. 175.

41. *Ibid.*, p. 237, 238.

42. **L. 1843**, p. 128.

43. **L. 1819**, p. 127; **L. 1839**, p. 138, 139.

44. **R. L. 1827**, p. 266.

45. **R. L. 1829**, p. 150.

46. **L. 1831**, p. 175; **R. S. 1845**, p. 500, 501.

47. **L. 1831**, p. 175.

48. **L. 1821**, p. 74. There was in this law and many of those following a limit to the number of precincts which could be established. See **L. 1825**, p. 168; **R. L. 1827**, p. 255; **R. L. 1829**, p. 54; **L. 1835**, p. 141. Prior to 1821, each township was declared by statute to constitute an election district (**L. 1819**, p. 90).

49. **L. 1819**, p. 90.

50. *Ibid.*, p. 99.

51. *Ibid.*, p. 255; **L. 1823**, p. 182.

52. Constitution of 1848, Art. V, sec. 19; **L. 1849**, p. 65.

County Board

more inclusive and definite the powers of the board.⁵³ The board was given authority to purchase and hold any land within the county for the use of its inhabitants; it was also given authority to make such contracts, and to purchase and hold such personal property, as might be necessary to the exercise of its powers; moreover, it could make such orders for the disposition, regulation, or use of the corporate property as might seem to be to the interest of the inhabitants.⁵⁴ Explicit also, was the authority to audit all claims against the county, and the accounts of such officers as were not otherwise provided for by law.⁵⁵ The board was also given power to appropriate funds for the construction of roads and bridges in any part of the county whenever a majority of the whole board might deem it proper and expedient.⁵⁶

From the enabling legislation of the present constitutional period is drawn the following brief statement of the principal functions of the county board:

1. The purchase, sale, and custody of the real and personal property of the county.
2. The examination and settlement of accounts against the county.
3. The issuance of orders on the county treasury in pursuance of its fiscal administration.
4. The examination of accounts concerning the receipts and expenditures of county officers.⁵⁷
5. The supervision of elections;⁵⁸ the selection of juries;⁵⁹ the construction and maintenance of roads and bridges;⁶⁰ the care of the indigent, infirm, and disabled.⁶¹
6. The appropriation of funds necessary to the effecting of its functions;⁶² the raising of such sums through taxation; and in general, the management of county funds and county business.⁶³

At all times the county board has had a clerk who has served it in a ministerial capacity. The law creating the county commissioners' court provided that it should have such an officer and gave it the power to appoint him.⁶⁴ This appointive power was rescinded in 1837 by an act which made the office elective.⁶⁵

When the county court supplanted the county commissioners'

53. The Act of February 17, 1851, previously cited. L. 1851, p. 35-78.

54. Ibid., p. 50.

55. Ibid., p. 51.

56. Ibid.

57. R. S. 1874, p. 306, 307.

58. Ibid., p. 456, 468.

59. Ibid., p. 630.

60. Ibid., p. 310.

61. Ibid., p. 757, 758.

62. Ibid., p. 307.

63. Ibid., p. 306, 307.

64. L. 1819, p. 175.

65. R. L. 1837, p. 49.

The substitution of the county court for the county court, the office of clerk of the latter body ceased to exist. A new office was created by statute, that of clerk of the county court.⁶⁶ When the court sat for the transaction of county business, its clerk was in effect a clerk of the county board; legal recognition of this distinction was given in the provision that the clerk should keep his records of the court's administrative actions separate from those of its judicial actions. For this purpose, two sets of books were to be kept.⁶⁷

In 1870 the new constitution established the office of county clerk;⁶⁸ subsequently, the General Assembly provided that the county clerk should act as clerk of the county board⁶⁹ as well as clerk of the county court.⁷⁰ From that time to the present, the county board has been served in a ministerial capacity by this officer.

The major record kept by the clerk for the county board is the minutes of the proceedings. This heterogeneous record includes orders to issue warrants on the county treasury; the board's consideration of the action on reports of committees of its members on roads and bridges, indigent and infirm relief, schools, taxation, etc.; and its orders in regard to juries, licenses, and other matters within its jurisdiction.⁷¹

The clerk also keeps, separately, a register of orders issued on the county treasury and lists of jury venire; files and preserves all bills of accounts acted on by the board; and has custody of reports required to be made to the board by the county treasurer, various school bodies, and a number of county officers.⁷² An obligation to preserve a multiplicity of other records is clearly set forth in the general provision requiring the clerk to have the care and custody of all papers appertaining to, as well as filed in, his office.⁷³

GENERAL INDEX

1. Index to Miscellaneous Files, 1821--. 1 v.

Index to Proceedings of Board of Supervisors, 1893--. entry 2; Blind Applications, entry 17; Tax Levies, entry 25; Birth Certificates, entry 45; Death Certificates, entry 48; Marriage Licenses, entry 53; (Miscellaneous Files), entry 85; (Dependent and Delinquent Children), entry 129; Drainage Files, entry 314, showing file box labeling, and title of subject or name of person. Arr. alph. by title of subject or name of person. Hdw. and typed. 200 p. 18 x 12 x 2. Co. clk.'s off., 1st fl.

66. **L. 1849**, p. 63.

67. *Ibid.*, p. 66.

68. Constitution of 1870, Art. X, sec. 8.

69. **R. S. 1874**, p. 322.

70. *Ibid.*, p. 260.

71. **L. 1819**, p. 5, 6, 28, 77, 127, 334, 335, 352; **L. 1823**, p. 145, 148; **L. 1826**, p. 130, 131; **R. L. 1829**, p. 126, 132-37, 151-53; **L. 1831**, p. 89, 90; **L. 1835**, p. 131, 132, 136; **L. 1839**, p. 71, 72; **R. S. 1845**, p. 287, 342, 403, 437; **L. 1849**, p. 66; **L. 1861**, p. 234-37; **R. S. 1874**, p. 323.

72. **L. 1819**, p. 201, 315; **L. 1825**, p. 147; **R. L. 1827**, p. 366; **L. 1845**, p. 169; **R. S. 1845**, p. 136; **L. 1861**, p. 237; **R. S. 1874**, p. 325.

73. **R. S. 1874**, p. 322.

PROCEEDINGS OF BOARD

2. **Proceedings of Board of Supervisors, 1821--.** 333 f.b. (169 not numbered, D39-D101, F18-F168). Title varies: County Commissioners' Court Files, 26 f.b. not numbered, 1821-73.

Original papers acted on by board of supervisors, including communications, officers' and committees' reports, resolutions, petitions, bills and claims, accounts of receipts and expenditures, financial statements, county budgets, and roll calls. Also contains (Wolf Scalps), 1821-59, 1869-72, entry 5; (List of Cancelled County Orders and Jury Certificates), 1919--, entry 14; (Reports of Swamp Land Committee), 1821-86, entry 22; (List of Grand Jurors), 1821-1904, 1906--, entry 23; Tax Levies, 1821-55, entry 25; Road Tax List, 1821-39, entry 30; and (Reports of State's Attorney), 1909--, entry 144. Arr. by date of filing. 1821-97, no index; for index, 1898--, see entry 1. Hdw. and typed. 6 x 4½ x 9 - 11 x 4½ x 13. 169 f.b. not numbered, f.b. D39-D101, 1821-1901, co. clk.'s off., 1st fl.; f.b. F18-F168, 1902--, common vlt., 1st fl.

3. **Supervisors' Record, 1821--.** 15 v. (A, B, 1, C, D, A-J). Title varies: County Court Record, v. A, B, 1, C, D, 1821-72.

Record of proceedings of county board, including dates and minutes of meetings, bills and claims, jury list, tax levies, resolutions, committee reports, election notices and returns, pauper aid accounts, lists of fees and salaries, petitions to levy school, road and bridge, and special taxes, appointments of deputy officers, issuances of liquor and other licenses, roll calls, and county budgets. Also contains Supervisors' Records - Petitions and Reports (List of Allowed Claims) 1821-1900, entry 4, and Official Bonds and Commissions, 1821-72, entry 78. Arr. by date of meeting. Indexed alph. by title of subject. 1821-1907, hdw.; 1908--, typed. 300 p. 18 x 12 x 2. V. A, B, 1, C, D, A-I, 1821-1929, common vlt., 1st fl.; v. J, 1930--, co. clk.'s off., 1st fl.

DISPOSITION OF ACCOUNTS

(See also entries 2, 3, 254-269)

Bills and Claims (See also

entries 85[ix], 303-308)

4. **Supervisors' Record - Petitions and Reports (List of Allowed Claims), 1901--.** 5 v. (F-J). 1821-1900 Supervisors' Record, entry 3.

Register of all claims allowed by county board, showing names of claimant, committee, and township, date, amount, and purpose of claim, and total amount allowed. Arr. by date of claim. No index. Typed. 500 p. 18 x 15 x 4. V. F-H, 1901-29, common vlt., 1st fl.; v. I, J, 1930--, co. clk.'s off., 1st fl.

5. **(Wolf Scalps), 1860-68.** 1 f. b. 1821-59, 1869-72 in Proceedings of Board of Supervisors, entry 2.

Original claims filed for wolf scalp bounty, showing name of claimant, number of scalps taken, date, number, and amount of claim, and date and amount of payment. Arr. by date of claim. No index. Hdw. 5 x 4½ x 9. Co. clk.'s off., 1st fl.

**Registers of County
Orders.**

6. **Register of County Warrants, 1874--.** 11 v. (1 not labeled, B-G, 1-4).

County warrants register, showing warrant number, date, amount, and purpose of warrant, and name of recipient. Also contains List of Blind Pension Warrants, 1916-22, 1927--, entry 8; List of Mothers' Pension Warrants, 1914-24, 1927--, entry 9; and List of Jury Warrants, 1874-1923, 1926--, entry 10. Arr. by date of warrant. No index. Hdw. under pr. hdgs. 200 p. 17 x 15 x 2. 1 v. not labeled, v. B-D, 1874-1906, common vlt., 1st fl.; v. E-G, 1-4, 1907--, co. clk.'s off., 1st fl.

7. **County Highway (Motor Fuel Tax) Warrant Register, 1933--.** 1 v.

Register of motor fuel tax warrants, showing date of warrant, warrant and claim numbers, amount and purpose of claim, and amount of payment. Arr. by date of warrant. No index. Hdw. under pr. hdgs. 100 p. 15 x 10 x 1. Co. clk.'s off., 1st fl.

8. **List of Blind Pension Warrants, 1923-26.** 1 v.

1916-22, 1927-- in Register of County Warrants, entry 6.

Register of blind pension warrants, showing warrant number, name of recipient, and date and amount of payment. Arr. by warrant no. No index. Hdw. under pr. hdgs. 320 p. 15 x 11 x 1½. Co. clk.'s off., 1st fl.

9. **List of Mothers' Pension Warrants, 1925-26.** 1 v. 1914-24, 1927-- in Register of County Warrants, entry 6.

Register of mothers' pension warrants, showing name of mother, warrant number, and date and amount of payment. Arr. by warrant no. No index. Hdw. under pr. hdgs. 320 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

10. **List of Jury Warrants, 1924-25.** 1 v. 1874-1923, 1926-- in Register of County Warrants, entry 6.

Register of jury warrants, showing warrant number, name of juror, days of service, miles of travel, and date and amount of warrant. Arr. by warrant no. No index. Hdw. under pr. hdgs. 320 p. 17 x 11 x 1½. Co. clk.'s off., 1st fl.

**Cancelled County Orders (See
also entry 235)**

11. **Files of Cancelled County Orders, 1922--.** 2 boxes, 5 f.d.

Cancelled county orders, jury certificates, and highway warrants showing name of recipient, date, amount, and purpose of order, and date of cancellation. 1922-34, no obvious arr.; 1935--, arr. by order no. No index. Hdw. on pr. fm. Boxes 10 x 5 x 25; f. d. 15 x 12 x 18. Small vlt., bsmt.

12. **Warrants Mothers' Pension Act, 1914--.** 4 v.

Stub record of mothers' pension warrants, showing number, date, and amount of warrant, name of mother, and signature of recipient. Arr.

by warrant no. No index. Hdw. on pr. fm. 100 p. 15 x 12 x 1. 1 v., 1914-16, common vlt., 1st fl.; 3 v., 1917--., co. clk.'s off., 1st fl.

13. Stubs of County Warrants, 1847-1925. 46 v. Missing: 1852-63. Stub record of county warrants, showing amount, date, number, and purpose of warrant, and name of recipient. Arr. by warrant no. No index. Hdw. on pr. fm. 130 p. 18 x 10 x 1. 12 v., 1847-1905, co. clk.'s off., 1st fl.; 20 v., 1906-16, common vlt., bsmt.; 14 v., 1917-25, common vlt., 1st fl.

14. (List of Cancelled County Orders and Jury Certificates), 1889--. 1889-1918 in (Miscellaneous Files), entry 85; 1919-- in Proceedings of Board of Supervisors, entry 2.

Lists of cancelled county orders and jury certificates, showing date, number, purpose, and amount of order or certificate, name of recipient, total amount of cancelled orders, and dates of cancellation. Hdw. under pr. hdgs.

**Pension Fund Accounts
and Applications** (See also
entries 85[viii], 272)

15. Record of Applicants For Relief of Blind, 1915--. 2 v. (1, 2). Register of blind relief applications, showing name of applicant, date, amount of pension allowable, and dates of examination and approval. Arr. by date of application. Indexed alph. by name of applicant. Hdw. under pr. hdgs. 158 p. 17 x 11 x 1. Co. clk.'s off., 1st fl.

16. Mothers' Pension Account Book, 1914--. 3 v. (1-3). Title varies: Mothers' Pension Act, v. 1, 2, 1914-36. Record of mothers' pensions, showing name and address of mother, number of children, date of court decree, amount of allowance, and date of payment. Arr. by date of court decree. Indexed alph. by name of mother. Hdw. on pr. fm. 290 p. 15 x 11 x 2. Co. clk.'s off., 1st fl.

17. Blind Applications, 1915--. 1 f.b. Original applications for blind pensions, showing name, address, and age of applicant, affidavit as to citizenship and residence, notice to examiner of blind, endorsement of examiner, and dates of filing and acknowledgment. Arr. by date of filing. For index, see entry 1. Hdw. on pr. fm. 6 x 4 x 10. Co. clk.'s off.; 1st fl.

MANAGEMENT OF COUNTY PROPERTIES AND ROADS

(See also entries 297-299, 309, 311, 312, 315)

Bond Issues

18. (Register of Bonds), 1908--. 1 v. Register of highway, township, road and bridge, and school bond issues, showing bond and serial numbers, date, purpose, and amount of bond issue, and rate of interest. Arr. by date of bond issue. No index. Hdw. 150 p. 6 x 4 x 1/2. Co. clk.'s off., 1st fl..

Insurance (See also
entry 85[vi])

19. Insurance Policies, 1934--. 1 bdl.
Original insurance policies covering county properties, showing names of insurance company and property, amount, terms, and date of policy, and date of expiration. Arr. by date of policy. No index. Typed on pr. fm. 4 x 5 x 9. Co. clk.'s off., 1st fl.

Motor Fuel Tax Allotments (See also
entries 263, 303, 305, 308)

20. Motor Fuel Tax Allotment Record, 1933--. 1 v.
Record of motor fuel tax allotments, showing year of allotment, amount and date of appropriation, route and section numbers, receipt and claim numbers, amounts of receipts and disbursements, and amount available. Arr. by route and sec. no. No index. Hdw. under pr. hdgs. 108 p. 10 x 7 x 1. Co. clk.'s off., 1st fl.

REPORTS TO BOARD

(See also entries 2, 3, 270-272, 279, 309, 321, 322)

21. County Clerk's Audited Reports, 1926--. 12 v.
Original audited reports to county board, showing itemized account of receipts and expenditures of each fund, balance available, name of certified public accountant, date of report, and acknowledgment. Arr. by date of report. No index. Typed. 50 p. 10 x 12 x 1/2. Co. clk.'s off., 1st fl.

22. (Reports of Swamp Land Committee), 1821-1902. 1821-86 in Proceedings of Board of Supervisors, entry 2; 1887-1902 in (Miscellaneous Files), entry 35.
Reports of special committee on swamp lands to county board, showing names of members, amount required from Federal government for swamp lands, minutes of board meetings, resolutions passed, description and location of swamp lands, and dates of meetings, report, sales, and filing. Hdw. and typed.

JURY LISTS

(See also entry 3)

23. (List of Grand Jurors), 1821--. 1821-1904, 1906-- in Proceedings of Board of Supervisors, entry 2; 1905 in (Miscellaneous Files), entry 85.
Lists of grand jurors, showing names of township and juror, and dates of court term and filing. Typed.

24. Jury Lists, 1872--. 4 v. (A-D).
Lists of jurors, showing names of jurors and township, and dates selected and drawn for service. Arr. by date of selection. No index. Hdw. under pr. hdgs. 300 p. 14 x 12 x 2. Co. clk.'s off., 1st fl.

II. COUNTY CLERK

Forerunner of the present county clerk was the clerk of the county commissioners' court. This court was the administrative body in Montgomery County from the organization of the county in 1821 to 1849.¹ The Constitution of 1848 and laws of 1849 created a new judicial branch of the county government presided over by the county judge and entitled the "county court," and provided for the quadrennial election of a "clerk of the county court."² In addition to his duties as clerk of the judicial court, the incumbent was also to act as clerk of the administrative branch of government which consisted of the county judge and two justices of the peace sitting at special terms.³

The above-mentioned clerks performed the duties of county clerk as well as those of clerks of a judicial or administrative body. In fact, legislation frequently referred to these incumbents as "county clerks" when defining duties relating to county business as distinct from duties as clerks of judicial or administrative bodies. The Constitution of 1870 specifically provided for a county clerk,⁴ who has continued to act to the present in this capacity, and also as clerk of the county board,⁵ and clerk of the county court.⁶ The revised statutes of 1874 adopted the use of a distinction of titles for each of his ex-officio capacities, applying the title of "county clerk" only when referring to his duties as such.⁷ It is the performance of these duties that gives rise to the records dealt with in this section.

The clerk was an appointee of the county commissioners' court in Montgomery County from 1821 to 1837.⁸ In the latter year the office became elective with a four-year term;⁹ a two-year term became effective in 1847.¹⁰ A bond of \$1,000 was set.¹¹ The clerk of the county court served for a four-year term and was bonded in the sum of \$3,000.¹² The Constitution of 1870 and the revised statutes of 1874, establishing the office of county clerk, provided for his election for a quadrennial term, and that the amount of his bond be set by the county board.¹³ The bond is entered upon the records of his office, and deposited with the clerk of the circuit court. He is required to take oath, and is commissioned by the Governor.¹⁴ The county seal is kept by the clerk and is used by him when required.

In general, the county clerk's performance of his functions results in records relating to the following: taxation, vital statistics, licenses, and bonds. Various officials and agencies having authority

1. Constitution of 1818, Schedule, sec. 4; **L. 1819**, p. 175.

2. Constitution of 1848, Art. V, sec. 16, 18, 19; **L. 1849**, p. 62, 63.

3. **L. 1849**, p. 65, 66.

4. Constitution of 1870, Art. VI, sec. 18, and Art. X, sec. 8.

5. **R. S. 1874**, p. 322.

6. *Ibid.*, p. 260.

7. *Ibid.*, p. 260, 322.

8. **L. 1819**, p. 175.

9. **R. L. 1837**, p. 49.

10. **L. 1845**, p. 28.

11. **L. 1819**, p. 176, 177; **R. L. 1833**, p. 143; **R. S. 1845**, p. 131.

12. **L. 1849**, p. 63, 64.

13. Constitution of 1870, Art. X, sec. 8; **R. S. 1874**, p. 321.

14. **R. S. 1874**, p. 321.

County Clerk

over these matters report to, or deposit records with, the county clerk who in this manner acts as a coordinating factor in the execution of local and state affairs. In regard to other of these matters, the clerk is required to perform duties on his own behalf and retain the records resulting from such performance.

Illustrations of both of these procedures may be found by examining the various duties and records relating to taxation. It is the duty of the county clerk to procure all books and blanks used in the assessment and collection of taxes, and to list in such books the lands and lots subject to taxation.¹⁵ These books are then turned over to the supervisor of assessments who has the township assessors enter the valuations against each piece of property listed. The supervisor completes revisions and corrections upon complaint of property owners and returns the books in duplicate to the county clerk.¹⁶ Personal property assessments are handled in essentially the same manner. The board of review then makes adjustments on complaints and equalizes assessments between districts, certifying corrections and revisions to the county clerk.¹⁷ The county clerk then reports the entire assessment list to the state tax commission for equalization, the equalized list then being used by the county clerk in ascertaining tax rates and extending taxes.¹⁸

The state tax commission also certifies to the county clerk the assessments of the capital stock of corporations and railroad and telegraph companies, it being the duty of the clerk to extend these taxes and retain the books after use by the collector.¹⁹

The books are next turned over to the county collector who, after collection, returns lists of collection, together with lists of uncollected real and personal property taxes.²⁰ The county clerk attends all tax sales, prepares a list of all sales and issues duplicate reports thereof, records affidavits of purchases of property for taxes, and keeps a record known as the "tax judgment, sale, redemption, and forfeiture record."²¹

An extensive group of vital statistics records is kept by the county clerk, including records relating to births and deaths, marriages, physicians, and midwives. The first legislation in regard to the keep-

15. L. 1867, p. 106; L. 1871-72, p. 19, 32; L. 1903, p. 297. During the period of the first constitution such books and lists were prepared by the auditor of public accounts and turned over to the clerk of the county commissioners' court (L. 1825, p. 173; R. L. 1827, p. 329; L. 1839, p. 3, 4; L. 1847, p. 80).

16. The first assessment officer was the county treasurer (L. 1819, p. 315; R. L. 1827, p. 328-36). In 1839 this function was performed by the district assessors, who received from the county clerk copies of the auditor's transcripts (L. 1839, p. 3, 4). The treasurer resumed these duties in 1844 (L. 1843, p. 231), retaining them until the institution of township organization in 1873 resulted in the township assessors acting in each township (L. 1851, p. 38). The treasurer now acts as ex-officio supervisor of assessments (L. 1898, p. 36-44).

17. L. 1898, p. 36-44.

18. L. 1919, p. 723.

19. L. 1871-72, p. 11, 13, 16; L. 1937, p. 1011, 1012.

20. L. 1849, p. 124, 125; L. 1871-72, p. 55; L. 1931, p. 759.

21. L. 1839, p. 3; L. 1871-72, p. 48; L. 1879, p. 250.

County Clerk

ing of vital statistics was included in the act for the establishment of medical societies.²² One section of this act made it the duty of every physician to keep a record of births, deaths, and diseases occurring within the vicinity of his practice and to transmit such record to his medical society, whereupon the record was to be published in the newspapers. In 1842 it was provided that a parent could appear before the clerk of the county commissioners' court and make affidavit as to the birth of a child, and the eldest next of kin of a deceased person could similarly appear and make affidavit as to death.²³ It is probable that the tenor of the above-mentioned laws explains the fact that no birth or death records exist in Montgomery County prior to 1877, the first law, 1819, requiring no public record to be kept, and the 1842 law providing that affidavits "may" be made. The act of 1877 creating the State Board of Health required that all births and deaths in the county be reported to the county clerk by the attending physicians and accoucheurs supervising such events.²⁴ Teeth were put into this and subsequent laws by providing penalties for non-compliance. In 1901 death certificates issued by physicians, midwives, or coroners were to be presented to town clerks who issued burial permits and forwarded the certificates to the county clerk.²⁵ In 1903 certificates of death were to be turned over to the State Board of Health, which board, in turn, delivered to the county clerk all certificates so received.²⁶ In 1915 it was provided that for the registration of all births, stillbirths, and deaths outside any city, village, or incorporated town, the township clerks should deposit a complete set of such records with the county clerk who was charged with the binding and indexing, or recording, and safe keeping of such records.²⁷ From the earliest date, the legislation in regard to these matters provided that the clerk retain the abstracts and certificates, keep a record of births and deaths, maintain alphabetical indexes, and issue certified copies of certificates upon request. The clerk has also been required to prepare a register of all physicians and accoucheurs in the county.²⁸

Since the organization of Montgomery County in 1821, the county clerk, or clerk of the county commissioners' court, has been required to file marriage certificates and certificates of parents' consent to the marriage of minors.²⁹ In 1827 the clerk was required to keep a separate register of marriages in addition to his file of certificates.³⁰ Before 1877 persons desiring to marry were required to secure licenses from the county clerk only when they had not previously published such intention, but in that year the securing of a license was made mandatory.³¹ Although a record of applications for marriage licenses has been kept by the clerk in this county since 1893, an act of 1937

22. L. 1819, p. 233.

23. L. 1842-43, p. 210-12.

24. L. 1877, p. 209.

25. L. 1901, p. 302, 303.

26. L. 1903, p. 315-18.

27. L. 1915, p. 660.

28. L. 1877, p. 209.

29. L. 1819, p. 27; R. S. 1845, p. 354; R. S. 1874, p. 694.

30. R. L. 1827, p. 289.

31. L. 1877, p. 130.

County Clerk

appears to be the first legislation requiring the maintenance of such a record.³² The same act provides that persons desiring to marry shall present to the county clerk a certificate setting forth that such persons are free from venereal diseases, such certificates to be filed with the application for license to marry.³³ Indexes to marriage records have been kept in Montgomery County since 1821.

The county clerk is charged with a number of duties relating to elections, such as preparing and issuing blank ballots,³⁴ poll books,³⁵ and certificates of election,³⁶ and keeping a record of registers of elections,³⁷ petitions,³⁸ and marked ballots,³⁹ tally sheets,⁴⁰ and election returns which are transmitted to him by the judges of election.⁴¹ Abstracts of returns were formerly prepared by the clerk, but these are now originated by the election commissioners or judges of election and deposited with the clerk. Returned ballots are destroyed by the clerk six months after election, provided no contest in which the ballots are needed is in progress.⁴² In 1889, when returns of election for school trustees were made to the county clerk, he was charged with furnishing to the county superintendent of schools a list of all such trustees.⁴³ Now the clerk does not enter into the procedure, the school trustees canvassing the returns and certifying directly to the superintendent of schools.⁴⁴

The bonds of a number of officials are required to be transmitted to the clerk for filing and entering in a book maintained for that purpose.⁴⁵ Justices, of the peace and constables' oaths, bonds, and securities are approved by the clerk and entered in a separate book in accordance with statutory requirement. This book shows the date on which each justice of the peace and constable was sworn into office and the date of commission by the Governor. Resignations from these offices are made to the county clerk who enters such fact in the justices' and constables' record.⁴⁶

The clerk is also charged with issuing licenses to taverns,⁴⁷ ferries,⁴⁸ etc., and keeping records of the same. Other records kept are: those relating to estrays;⁴⁹ registers of professionals, including

32. L. 1937, p. 909.

33. Ibid., p. 910.

34. L. 1891, p. 113; L. 1911, p. 311.

35. L. 1871-72, p. 386.

36. L. 1819, p. 96; L. 1821, p. 79; L. 1823, p. 64; L. 1885, p. 176.

37. L. 1865, p. 59; L. 1871-72, p. 386.

38. L. 1911, p. 310, 311; L. 1929, p. 422.

39. L. 1891, p. 118.

40. L. 1885, p. 143.

41. L. 1819, p. 86; L. 1821, p. 77; L. 1823, p. 64; L. 1871-72, p. 96.

42. L. 1917, p. 444.

43. L. 1889, p. 271, 322.

44. L. 1909, p. 352.

45. R. S. 1845, p. 396, 397; L. 1861, p. 237, 238; R. S. 1874, p. 325; L. 1895, p. 188.

46. L. 1895, p. 188.

47. L. 1819, p. 77-79; L. 1933-34, Second Sp. Sess., p. 64-66.

48. R. L. 1827, p. 221; R. S. 1874, p. 520.

49. L. 1819, p. 206, 207; R. S. 1874, p. 432.

physicians,⁵⁰ midwives,⁵¹ dentists,⁵² chiropodists,⁵³ and veterinarians;⁵⁴ list of county officers; list of town officers which is furnished annually by the town clerk;⁵⁵ record of notaries public;⁵⁶ and book of state civil service rules.⁵⁷ Referring to his list of town officers, the county clerk reports annually to the State Department of Public Health the names and addresses of the supervisor, assessor, and clerk of each township, and the dates of the expiration of their terms of office.⁵⁸

Included in the provision that the county clerk be charged with the care and custody of all records, books, and papers appertaining to, and filed or deposited in, his office,⁵⁹ are those duties as clerk of the board, wherein he is required to record the proceedings of the board and to file all their books, records, and accounts.⁶⁰ Also included are his record-keeping duties as ex-officio clerk of the county court, with its resulting duties in relation to probate matters.⁶¹ The clerk is also required to keep jury lists⁶² and a book in which he enters details as to orders upon the treasurer. He is further required to maintain alphabetical indexes to all records and papers in his office, and to supply copies of these records or papers to any person upon request and payment of the required fee.⁶³

TAXATION

See also entries 85[i, x], 230, 239-253, 263, 269, 281, 286, 314, 315)

Lists of Taxable Property,

Levies (See also entry 3)

25. **Tax Levies**, 1856--., 29 f. b. (D60, D72-D79, A2, A5-A7, A9, A13, A74, A96, A99, A117-A119, A129, A146, A151, A154, A159, A167, A168, A173). 1821-55 in Proceedings of Board of Supervisors, entry 2.

Certificates of corporation, township, village, town, city, school, and road and bridge tax levies, showing date, name of town, authority to levy, purpose and amount of tax, and clerk's signature. Arr. by date of certificate. For index, see entry 1. Hdw. and hdw. under pr. hdgs. 11 x 4½ x 13. F. b. D60, D72-D79, 1856-98, co. clk.'s off., 1st fl.; 20 f.b., 1899--., common vlt., 1st fl.

50. **L. 1877**, p. 209; **L. 1899**, p. 275; **L. 1923**, p. 441, 442.

51. *Ibid.*

52. **L. 1881**, p. 79; **L. 1899**, p. 273; **L. 1909**, p. 279; **L. 1933**, p. 711.

53. **L. 1899**, p. 280; **L. 1935**, p. 995.

54. **L. 1917**, p. 591.

55. **L. 1861**, p. 226; **R. S. 1874**, p. 1077.

56. **L. 1871-72**, p. 575; **R. S. 1874**, p. 721; **L. 1875**, p. 88.

57. **L. 1905**, p. 115.

58. **L. 1923**, p. 480.

59. **R. S. 1874**, p. 322.

60. **L. 1861**, p. 238; **R. S. 1874**, p. 322.

61. **R. S. 1874**, p. 260.

62. *Ibid.*, p. 630.

63. *Ibid.*, p. 321.

26. **Record of Taxes Wanted, 1878--.** 6 v. (1 not numbered, 2-6).

Docket of rates and taxes wanted, showing name of township, school district number, date of assessment, state equalized valuation, tax rate, amount of request, and total tax. Arr. by date of assessment. No index. Hdw. on pr. fm. 312 p. 18 x 12 x 3. 1 v. not numbered, v. 2, 1878-93, common vlt., 1st fl.; v. 3-6, 1894--, co. clk.'s off., 1st fl.

27. **Assessor's Book, 1848--.** 930 v. (Montgomery County as a whole, 1848-93, 104 v. Missing: 1852, 1855, 1856, 1860, 1870. Audubon, Bois d'Arc, Butler Grove, East Fork, Fillmore Grisham, Harvel, Hillsboro, Irving, Nokomis, North Litchfield, Pitman, Raymond, Rountree, South Litchfield, Walshville, Witt, and Zanesville townships, 1894--, 45 v. each; South Fillmore township, 1922--, 16 v).

Lists of taxable real estate and personal property, showing names of owner and assessor, description of property, tax spread, and amount of tax. South Fillmore Township organized in 1921 with first assessment in 1922. Also contains Abstract of Assessment and Taxes, 1848-1910, entry 31. Real estate arr. by sec., twp., and range; personal property arr. alph. by name of owner. No index. Hdw. under pr. hdgs. 100-150 p., 17 x 15 x 1½. 911 v., 1848-1937, common vlt., bsmt.; 19 v., 1938--, co. clk.'s off., 1st fl.

28. **Railroad Tax Book, 1873--.** 9 v. (5 not numbered, 4-7).

Lists of taxable railroad property, showing date of levy, description and value of real and chattel property, amount of tax, and total amount of assessment. Arr. by date of levy. No index. 1873-1937, hdw. under pr. hdgs.; 1938--, hdw. on pr. fm. 300 p. 18 x 14 x 3. 5 v. not numbered, v. 4, 5, 1873-1931, small vlt., bsmt.; v. 6, 7, 1932--, co. clk.'s off., 1st fl.

29. **Telegraph and Telephone Book, 1884--.** 4 v. 1, 1 not numbered, 2, 3.). Missing: 1894-1900.

Lists of taxable telephone and telegraph company property, showing name of company, legal description of property, tax spread, total tax, and date of levy. Arr. by date of levy. No index. Hdw. under pr. hdgs. 240 p. 17 x 11 x 2. V. 1, 1884-93, co. clk.'s off., 1st fl.; 1 v. not numbered, v. 2, 3, 1901--, common vlt., 1st fl.

30. **Road Tax List, 1840-82.** 8 f.b. 1821-39 in Proceedings of Board of Supervisors, entry 2.

Lists of lands subject to road tax, showing name of owner, description of property, number of road district, assessed value, amount of taxes, and date of filing. Arr. by date of filing. No index. Hdw. under pr. hdgs. 6 x 4½ x 9. Co. clk.'s off., 1st fl.

31. **Abstract of Assessment and Taxes, 1911 --.** 3 v. (2 not numbered, 2). 1848-1910 in Assessor's Book, entry 27.

Abstract statements of real and personal property tax levies, showing date, name of township, assessed values of lands, lots, and personal property, and total amount of assessment. Arr. alph. by name of twp. No index. Hdw. under pr. hdgs. 75 p. 18 x 15 x 1. Co. clk.'s off., 1st fl.

32. **Special Assessment Rolls, 1906--.** 2 v. (1, 2).

Lists of property subject to special assessment, showing cost of improvement, names of property owners, description of land, description and location of improvement, and date and amount of assess-

ment. Arr. by date of assessment. Indexed alph. by name of twp. Hdw. under pr. hdgs. 250 p. 15 x 14 x 3. Co. clk.'s off., 1st fl.

33. Lands In Montgomery County, 1827-38. 2 v.

Lists of lands in Montgomery County subject to taxation, showing name of owner, legal description of property, number of acres, dates of purchase and entry, and tax rate. Arr. by date of entry. No index. Hdw. 75 - 100 p. 7 x 12 x 1/2 - 12 x 8 x 1. Common vlt., 1st fl.

Collections, Abatement

34. Collector's Book, 1851--. 903 v. (Montgomery County as a whole, 1851-93, 77 v.; Audubon, Bois d'Arc, Butler Grove, East Fork, Fillmore, Grisham, Harvel, Hillsboro, Irving, Nokomis, North Litchfield, Pitman, Raymond, Rountree, South Litchfield, Walshville, Witt, and Zanesville townships, 1894--., 45 v. each; South Fillmore Township, 1923--. 16 v.)

Lists of real and personal property tax collections, showing names of owner and collector, description of property, tax spread, and date and amount of collection. South Fillmore Township organized in 1921 from part of Fillmore Township with first tax collections in 1923. Also contains Abstract of Assessment, 1851-1908, entry 35. Real estate arr. by sec., twp., and range; personal property arr. alph. by name of owner. No index. Hdw. under pr. hdgs. 100 - 150 p. 14 x 16 x 1 - 17 x 15 x 1 1/2. 675 v., 1851-1926, common vlt., 1st fl.; 209 v., 1927-37, small vlt., bsmt.; 19 v., 1938--., treas.'s off., 1st fl.

35. Abstracts of Assessment, 1909--. 7 v. 1851-1908 in Collector's Book, entry 34.

Abstract statements of tax collections, showing date, name of township, total value of property, amounts of taxes, costs, and penalties, and total taxes. Arr. alph. by name of twp. No index. Hdw. under pr. hdgs. 14 - 80 p. 18 x 14 x 1/2 - 17 x 15 x 1. Co. clk.'s off., 1st fl.

36. Abatement Record, 1910--. 4 v.

Lists of real and personal property tax abatements, showing name of owner, description of property, owner's and equalized values, amounts of taxes, costs, and penalties, cause for delinquency, and date of abatement. Real estate arr. by sec., twp., and range; personal property arr. alph. by name of owner. No index. Hdw. under pr. hdgs. 240 p. 15 x 12 x 2. Co. clk.'s off., 1st fl.

37. Docket of Back Taxes, 1871-80. 1 v.

Lists of delinquent taxes, showing name of owner, legal description of property, and amount of tax due. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 260 p. 15 x 13 x 1 1/2. Common vlt., 1st fl.

Judgment, Sale, Redemption, Forfeiture

38. Tax Judgment Sale, Redemption, and Forfeiture Record. 1881--. 29 v. (1 not labeled. C-Z, 27-30).

Record of tax judgments, sales, redemptions, and forfeitures, showing names of owner, purchaser or redeemer, and township, legal description and value of property, amounts of taxes, costs, interest, and penalties, dates of judgment, sale, redemption, forfeiture, and tax deed, and acknowledgment. Tax Judgment Record, entry 39, includ-

ing Forfeiture Record, entry 41; and Sales and Redemption Record, entry 40, formerly kept separately. Arr. by sec., twp., and range. Indexed alph. by name of twp. Hdw. on pr. fm. 200 p. 15 x 10 x 2. Co. clk.'s off., 1st fl.

39. **Tax Judgment Record, 1857-80.** 4 v. Title varies: Record of Delinquent Lands, 1 v. not lettered, 1857-67. 1881-- in Tax Judgment, Sale, Redemption, and Forfeiture Record, entry 38.

Record of judgments on delinquent lands and town lots, showing name of owner, legal description of property, amounts of taxes, costs, interest, and penalties, and date and amount of judgment. Also contains Forfeiture Record, 1857-78, 1880, entry 41. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 300 p. 15 x 10 x 3. Co. clk.'s off., 1st fl.

40. **Sales and Redemption Record, 1862-80.** 5 v. (1, B-D, 1 not labeled). Title varies: Tax Sales, v. 1, B, 1862-74. 1881-- in Tax Judgment, Sale, Redemption, and Forfeiture Record, entry 38.

Record of tax sales and redemptions of lands and lots, showing names of owner and purchaser or redeemer, legal description of property, amount of judgment, and date and amount of sale or redemption. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 250 p. 15 x 10 x 2½. Co. clk.'s off., 1st fl.

41. **Forfeiture Record, 1879.** 1 v. 1857-78, 1880 in Tax Judgment Record, entry 39; 1881-- in Tax Judgment, Sale, Redemption, and Forfeiture Record, entry 38.

Record of property forfeited at tax sales for want of bidders, showing name of owner, legal description of property, date of forfeiture, and amounts of delinquent tax, costs, interest, and penalties. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. 240 p. 15 x 13 x 2. Common vlt., 1st fl.

42. **Application For Deeds, 1859--.** 2 v. (B, C).

Copies of applications for tax deeds, showing legal description of land, names of owner and purchaser, dates of application and sale, amount of sale, and acknowledgment. Also contains affidavits for Tax Deed Record, 1859-82, entry 43. Arr. by date of application. Indexed alph. by name of purchaser. 1859-1928, hdw.; 1929--, typed. 300 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

43. **Affidavits For Tax Deed Record, 1883--.** 1 v. (B). 1859-82 in Application for Deeds, entry 42.

Copies of affidavits for tax deeds, showing names of owner and purchaser, legal description of property, dates of affidavit and sale, amount of sale, and acknowledgment. Arr. by date of affidavit. Indexed alph. by name of affiant. Hdw. on pr. fm. 350 p. 17 x 11 x 3. Co. clk.'s off., 1st fl.

For original affidavits for tax deeds, see entry 85[i].

Plats

44. **School Plats, 1856--.** 3 v. (1 not labeled, 4, A). Last entry 1926.

Plats of school districts used for taxation purposes, showing school district number, legal description of lands, boundary lines, and date

of plat. Arr. by school district no. No index. Author, county surveyor. Hand-drawn. $1\frac{1}{8}$ in. to 1 mi. 90 p. 20 x 18 x $\frac{1}{2}$. Co. clk.'s off., 1st fl.

VITAL STATISTICS

Births

45. **Birth Certificates, 1877--.** 18 f.b. (B29-B32, B38, A26, A36, A37, A39, 1877-1915; A87, A89, A92, A109, A122, A135, A145, A161, 1917--), 1 v. (1916).

Original birth certificates showing date and number of certificate, date and place of birth, names of child, parents, and physician or midwife, registration district number, personal and statistical particulars, signatures of physician and county clerk, and date of filing. 1877-1915, 1917--, arr. by certificate no.; 1916, arr. alph. by name of child. For index, see entry 1. Hdw. on pr. fm. F. b. 10 x 12 x 4; v. 500 p. 7 x 10 x 5. F. b. B29-B32, B38, 1877-1903, 1 v., 1916, co. clk.'s off., 1st fl.; f. b. A26, A36, A37, A39, 1904-15, f. b. A87, A89, A92, A105, A109, A122, A135, A145, A161, 1917--, common vlt., 1st fl.

46. **Birth Record, 1877--.** 18 v. (1-18). Title varies: Register of Births, v. 1-4, 1877-1905.

Record of births, showing date and number of certificate, date and place of birth, sex, color, and name of child, names of parents and physician or midwife, number of children of mother, signatures of physician and county clerk, and date of filing. Arr. by date of filing. For index, 1877-1918, see entry 47; 1919--, indexed alph. by name of child. 1877-1905, hdw.; 1906--, hdw. on pr. fm. 580 p. 18 x 12 x $2\frac{1}{2}$. Common vlt., 1st fl.

47. **Index To Births, 1877-1918.** 7 v. (1-7).

Index to Birth Record, entry 46, showing name of child, date and number of certificate, and volume and page of entry. Arr. alph. by name of child. Hdw. under pr. hdgs. 580 p. 18 x 12 x 2. Common vlt., 1st fl.

Deaths and Stillbirths (See also entry 234)

48. **Death Certificates, 1877--.** 6 f.b. (D33-D35, A14, A87, A90).

Original death and stillbirth certificates showing place, cause, and date of death, registration and primary district numbers, personal and statistical particulars of deceased, names of deceased, informant, undertaker, and physician, medical certification of death, and signature of county clerk. Arr. by certificate no. For index, see entry 1. Hdw. on pr. fm. 10 x 4 x 12. F. b. D33-D35, 1877-1903, co. clk.'s off., 1st fl.; f. b. A14, A87, A90, 1904--, common vlt., 1st fl.

49. **Death Record, 1877--.** 10 v. (1-10). Title varies: Register of Death, v. 1, 1877-95; Certificate of Death, v. 3, 4, 1911-16.

Record of deaths, showing names of deceased, parents, physician, and undertaker, cause, date, and place of death, medical certification of death, and date of filing death certificate. Arr. by date of filing. For index, 1877-1910, see entry 50; 1911--, indexed alph. by name of deceased. Hdw. on pr. fm. 580 p. 14 x 16 x 3. Common vlt., 1st fl.

50. Index To Register of Death, 1877-1910. 1 v.

Index to Death Record, entry 49, showing certificate number, name of deceased, and volume and page of entry. Arr. alph. by name of deceased. Hdw. under pr. hdgs. 90 p. 17 x 11 x 1. Common vlt., 1st fl.

51. Register of Stillbirths, 1877--. 2 v. (1 not numbered, 1).

Stillbirth register showing names and addresses of parents, date, place, and cause of stillbirth, sex and color of stillborn child, date and place of burial, names of undertaker and medical attendant, and date of registration. Arr. by date of registration. Indexed alph. by names of parents. Hdw. under pr. hdgs. 292 p. 17 x 11 x 1½. Common vlt., 1st fl.

52. Veterans' Death Record, 1932--. 1 v. (1).

Copies of death certificates of World War veterans, showing name and regiment of veteran, name of undertaker, date and place of burial, personal and occupational particulars, dates of birth, enlistment, discharge, and death, cause of death, and date of filing certificates. Arr. by date of filing. No index. Hdw. and typed on pr. fm. 108 p. 10 x 7 x 1. Co. clk.'s off., 1st fl.

Marriages (See also entry 91)

53. Marriage Licenses, 1821--. 45 f. b. (D2-D26, D36, D37, D41, A27-A31, A38, A78, A81, A85, A95, A121, A123, A136, A149, A153, A166, A171).

Marriage licenses returned to county clerk, showing names of bride, groom, and official performing ceremony, personal and statistical particulars of couple, date and number of license, and dates of ceremony and return. Also contains in unbound form, Application for Marriage Licenses, 1821-92, entry 54. Arr. by license no. For index, see entry 1. 1821-33, hdw.; 1834--., hdw. on pr. fm. 10 x 5 x 14. F. b. D2-D26, D36, D37, D41, 1821-1904, co. clk's off., 1st fl. 17 f. b. 1905--., common vlt., 1st fl.

54. Applications For Marriage Licenses, 1893--. 21 v. (3 not labeled, X-Z, 1-14, 1 not labeled). 1821-92 in unbound form, Marriage Licenses, entry 53.

Applications for marriage licenses, showing names, addresses, and ages of male and female, date and number of application, and signature of county clerk. 1893-1936, arr. by date of application; 1937--., arr. by application no. 1893-1936, indexed alph. by name of applicant; 1937--., no index. Hdw. on pr. fm. 200 - 578 p. 12 x 11 x 2 - 17 x 11 x 2½. 3 v. not labeled, v. X-Z, 1-11, 1893-1930, small vlt., bsmt.; v. 12-14, 1 not labeled, 1931--., co. clk.'s off., 1st fl.

55. Marriage Record, 1821--. 14 v. (1-7, X-Z, A-D).

Record of marriages, showing names of bride, groom, parents, witnesses, and person performing ceremony, personal and statistical particulars of bride and groom, and dates of license, ceremony, return of license, and registration. Arr. by date of registration. For index, see entry 56. Hdw. on pr. fm. 620 p. 17 x 11 x 2½. V. 1-7, X-Z, 1821-1929, common vlt., bsmt.; v. A-D, 1930--., co. clk.'s off., 1st fl.

56. Index To Marriages, 1821--. 4 v. (AA, AA male; B, B female).

Index to Marriage Record, entry 55, showing names of bride and groom, registration number, and volume and page of entry. Arr. alph. by names of bride and groom. Hdw. under pr. hdgs. 620 p. 17 x 11 x 2½. Co. clk.'s off., 1st fl.

57. Physicians' Certificate, 1937--. 1 v. (15).

Copies of physicians' certificates of medical examinations of persons wishing to secure marriage licenses, showing names of applicant, city, and county, types and results of tests, signature and address of physician, and date of certificate. Arr. by date of certificate. No index. Hdw. on pr. fm. 200 p. 10 x 9 x 3. Co. clk.'s off., 1st fl.

Agricultural Census

58. Agricultural Statistics, 1891-93. 1 v.

Summary of agricultural statistics, showing date, name of township, number of acres of land, number, kind, and value of live stock, and number of acres of grain and forage crops. Arr. by date of summary. No index. Hdw. on pr. fm. 75 p. 18 x 12 x ½. Common vlt., 1st fl.

LICENSES AND REGISTERS.

Registers of Officers (See

also entries 294, 295)

59. Register of Commissions of County Officers, 1857--. 2 v.

Register of commissions of county judge, county clerk, and county surveyor, showing name and address of officer, title of office, date of election date and amount of bond, names of sureties, date of expiration of commission, and remarks; includes registers of commission of sheriff, 1860--; city marshall, 1862--; circuit clerk and coroner, 1864--; superintendent of schools, 1865--; notaries public, 1870--; state's attorney, 1872--; and county treasurer, 1873--. Also contains Register of Town Officers, 1857-1913, entry 60. Arr. alph. by name of twp. No index. Hdw. under pr. hdgs. 140 p. 16 x 11 x 1½. 1 v., 1857-97, common vlt., 1st fl.; 1 v., 1898--, co. clk.'s off, 1st fl.

60. Register of Town Officers, 1914--. 4 v. (2 not numbered, 2, 3). 1857-1913 in Register of Commissions of County Officers, entry 59.

Register of elected town officers, including supervisors, town clerks, assessors, collectors, commissioners of highways, justices of peace, poundmasters, school trustees, constables, police magistrates, and mayors, showing names of township, officer, and sureties, title of office, dates of election and bond, date of expiration of term of office, and remarks. Arr. alph. by name of twp. No index. Hdw. under pr. hdgs. 150 p. 16 x 11 x 1. 2 v. not numbered, 1914-32, common vlt., 1st fl.; v. 2, 3, 1933--, co. clk.'s off., 1st fl.

**Professional Licenses
and Registers**

61. Physicians' and Midwives' Certificate, 1877--. 1 v. Last entry 1935.

Copies of original certificates of midwives issued by Illinois State Board of Health, 1877-1916, and Department of Public Health, 1917--,

showing name and address of midwife, date and number of certificate, certification of authority to practice, and date of filing. Also contains Physicians' and Surgeons' Record, 1877-1902, entry 62. Arr. by date of filing. Indexed alph. by name of practitioner. Hdw. on pr. fm. 142 p. 18 x 12 x 1. Common vlt., 1st fl.

62. **Physicians' and Surgeons' Record**, 1903--. 1 v. Last entry 1933. 1877-1902 in Physicians' and Midwives' Certificate, entry 61.

Copies of physicians' and surgeons' certificates, showing date and number of certificate, name, address, and nativity of practitioner, name and location of college of graduation, names of president and secretary of board of examiners, acknowledgment, and date of filing. Arr. by date of filing. No index. Hdw. on pr. fm. 160 p. 18 x 12 x 1. Common vlt., 1st fl.

63. **Architects' License Record**, 1897--. 1 v. (1). Last entry 1908. Copies of architects' licenses, showing date and number of license, name and address of architect, renewal fee, certification to practice, signatures of president and secretary of state board of examiners, and dates of filing and recording. Arr. by date of recording. No index. Hdw. on pr. fm. 80 p. 14 x 12 x 1. Common vlt., 1st fl.

64. **Veterinary Record**, 1899--. 1 v. (A). Last entry 1931. Copies of veterinary surgeons' certificates, showing date and number of certificate, name and address of veterinarian, certification authorizing practice, acknowledgment, and date of filing. Arr. by date of filing. Indexed alph. by name of veterinarian. Hdw. on pr. fm. 240 p. 19 x 13 x 1½. Common vlt., 1st fl.

65. **Register of Certificates, Doctors, Osteopaths, Dentists, and Nurses**, 1877--. 2 v. (1, 1). Register of physicians' and surveyors' licenses, showing name and address of practitioner, date and number of certificate, school of practice, names of president and secretary of examining board, number of years practice, and date of filing; includes register of osteopaths' licenses, 1917--. Also contains Dentist Register, 1926--, entry 66, and Register of Nurses, 1923--, entry 67. Arr. by date of filing. Indexed alph. by name of practitioner. Hdw. under pr. hdgs. 600 p. 18 x 12 x 3. Co. clk.'s off., 1st fl.

66. **Dentist Register**, 1882-1925. 1 v. 1926-- in Register of Certificates, Doctors, Osteopaths, Dentists, and Nurses, entry 65. Register of dental certificates, showing name, age, and address of dentist, date and number of certificate, date of registration, years of practice in state, and names of president and secretary of examining board. Arr. by date of registration. No index. Hdw. under pr. hdgs. 160 p. 17 x 11 x 1. Common vlt., 1st fl.

67. **Register of Nurses**, 1914-22. 1 v. 1923-- in Register of Certificates, Doctors, Osteopaths, Dentists, and Nurses, entry 65. Register of nurses' certificates, showing name and address of nurse, date and number of certificate, authority to practice, acknowledgment, and date of registration. Arr. by date of registration. Indexed alph. by name of nurse. Hdw. under pr. hdgs. 140 p. 18 x 12 x 1. Common vlt., 1st fl.

68. Optometry Register, 1916--. 1 v. (1). Last entry 1917. Register of optometrists' certificates, showing name and address of optometrist, date and class of certificate, names of president and secretary of examining board, date of registration, and signature of clerk. Arr. by date of registration. No index. Hdw. under pr. hdgs. 320 p. 18 x 12 x 2. Common vlt., 1st fl.

69. Register of Physicians and Accoucheurs, 1877-1917. 1 v. Register of physicians and accoucheurs, showing name, age and address of practitioner, school of practice, date and number of certificate, names of examining board members, and date of registration. Arr. by date of registration. No index. Hdw. under pr. hdgs. 160 p. 18 x 12 x 1/2. Common vlt., 1st fl.

Patents

70. Patent Record, 1869-73. 1 v. Now kept by the United States Patent Office, Washington, D. C. Copies of patent certificates, showing name and address of patentee, description of invented article, patent number, and date of filing. Arr. by date of filing. Indexed alph. by name of patentee. Hdw. on pr. fm. 420 p. 17 x 12 x 2. Common vlt., 1st fl.

Militia Roll

71. Militia Roll Record, 1861-62. 1 v. Record of militia enrollment for Civil War, showing name and age of soldier, rank, and place and date of enlistment. Arr. alph. by name of soldier. No index. Hdw. under pr. hdgs. 200 p. 15 x 12 x 2. Common vlt., 1st fl.

Stallion Certificates (See also entry 114)

72. Stallion Certificates, 1890-1902. 1 f.b. Certificates of stallion registration, showing names of stallion and owner, date and number of certificate, and date and place of registration. Arr. by date of registration. No index. Hdw. and typed on pr. fm. 6 x 4 1/2 x 9. Co. clk.'s off., 1st fl.

Estrays

73. Estray Papers, 1821-1901. 8 f.b. 1902-- in (Miscellaneous Files), entry 85. Estray notices and miscellaneous papers pertaining to stray animals, showing description of animal, appraised value, name of finder, dates of finding and filing, and final disposition of estray. Arr. by date of filing. No index. Hdw. 6 x 4 1/2 x 9. Co. clk.'s off., 1st fl.

74. Estray Record, 1821--. 2 v. Last entry 1888. Record of estrays, showing date and place of finding strays, kind, description, and appraised value of animals, name of person taking up strays, court costs, and signature of justice of peace. Arr. by date of entry. No index. Hdw. on pr. fm. 128 p. 14 x 10 x 1. Common vlt., 1st fl.

Dog Licenses

75. Dog Tag Record, 1918--. 2 v. (1, 2).

Register of dog tags, showing names of township, owner, and assessor, number of tags issued, amount of tax collections in each township, and total dog tax collection. 1918-34, arr. alph. by name of owner; 1935--, arr. alph. by name of twp. No index. Hdw. under pr. hdgs. 96 p. 15 x 11 x 1. Co. clk.'s off., 1st fl.

ELECTIONS

(See also entry 3)

76. Abstract of Votes, 1895--. 27 f. d.

Abstracts of votes in primary and general elections, showing names of precinct and candidates, date and purpose of election, number of votes cast for each candidate, and total votes cast. Arr. by date of election. No index. Hdw. under pr. hdgs. 15 x 4 x 18. Co. clk.'s off., 1st fl.

77. Poll Book, 1920--. 420 v.

Lists of voters, showing name, residence, and party affiliation of voter, precinct number, and date of election. No obvious arr. No index. Hdw. under pr. hdgs. 30 p. 12 x 9 x 1/2. Small vlt., bsmt.

BONDS OF OFFICERS

(See also entries 85[viii], 221, 314)

78. Official Bonds and Commissions, 1873--. 3 v. (1 not numbered, 1, 2). Missing: 1895-1914. Title varies: Record of Official Bonds, 1 v. not numbered, 1873-1914. 1821-72 in Supervisors' Record, entry 3.

Copies of bonds of coroner, sheriff, superintendents of highways and schools, circuit clerk, county clerk, county treasurer, state's attorney, deputy county clerk, deputy sheriff, deputy county collector, and members of county board of supervisors, showing names of principal and sureties, date, amount, and obligations of bond, acknowledgment, and dates of approval and filing; includes copies of bonds of overseer of poor, 1931-36, city mayors, 1907--, and county mine inspector, 1908--. Also contains Constables' Bonds, 1873-87, entry 79; Justices' Bonds, 1873-87, entry 80; and Assessors' Bond Record, 1873-98, entry 81. 1873-94, arr. alph. by name of officer; 1915--, arr. by date of filing. 1873-94, no index; 1915--, indexed alph. by name of officer, 1873-94, hdw. on pr. fm.; 1915--, typed. 100 - 580 p. 12 x 8 x 1 - 14 x 11 x 2. 1 v. not numbered, 1873-94, common vlt., 1st fl.; v. 1, 2, 1915--, co. clk.'s off., 1st fl.

79. Constables' Bonds, 1888--. 1 v. (A). 1873-87 in Official Bonds and Commissions, entry 78.

Copies of constables' bonds, showing names of constable and sureties, date, amount, and obligations of bond, and acknowledgment. Arr. by date of bond. Indexed alph. by name of constable. Hdw. on pr. fm. 456 p. 17 x 11 x 1 1/2. Common vlt., 1st fl.

80. Justices' Bonds, 1888--. 1 v. (A). 1873-87 in Official Bonds and Commissions, entry 78.

Copies of justices' bonds, showing names of justice and sureties, date, amount, and obligations of bond, and acknowledgment. Arr. by date

of bond. Indexed alph. by name of justice. Hdw. on pr. fm. 456 p. 18 x 12 x 2. Common vlt., 1st fl.

- 81. Assessors' Bond Record, 1899--.** 2 v. (1, 1). Title varies: Assessors and Supervisors of Assessment Record, v. 1, 1899-1915. 1873-98 in Official Bonds and Commissions, entry 78.

Copies of bonds of supervisors of assessment and township assessors. showing names of assessor and sureties, amount, date, and obligations of bond, and acknowledgment. Arr. by date of bond. Indexed alph. by name of assessor. Hdw. on pr. fm. 300 p. 15 x 11 x 2. Common vlt., 1st fl.

CIVIL SERVICE RULES

- 82. Civil Service Record, 1895--.** 2 v. (1 not numbered, 1).

Copies of rules of Illinois Civil Service Commission including rules governing administration, applications, examinations, promotions, removals, transfers, classifications, and certifications for appointments. Arr. by date of recording. No index. Typed. 340 p. 18 x 12 x 2. 1 v. not numbered, 1895-1933, common vlt., 1st fl.; v. 1, 1934--., co. clk.'s off., 1st fl.

RECEIPTS AND EXPENDITURES

- 83. Receipts and Expenditures Record, 1874--.** 5 v. (1 not numbered, 7-10). Missing: 1888-1900.

Ledger of county clerk's receipts and disbursements, showing names of payer and payee, date, amount, and purpose of receipt or expenditure, and balance available. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 400 p. 17 x 11 x 2. 1 v. not numbered, 1874-87, common vlt., bsmt.; v. 7-10, 1901--., co. clk.'s off., 1st fl.

- 84. Cash Book, 1898--.** 3 v. (1 not numbered, 2, 1). Missing: 1908-19.

County clerk's ledger of cash receipts, showing date, amount, and source of receipt, and names of credited account. Arr. by date of receipt. No index. Hdw. under pr. hdgs. 160 p. 16 x 14 x 1½. 1 v. not numbered, v. 2, 1898-1926, attic strm., 4th fl.; v. 1, 1927--., co. clk.'s off. 1st fl.

MISCELLANEOUS PAPERS

- 85. (Miscellaneous Files), 1821--.** 38 f. b. (D26, D38, D39, D58-D65, D83-D85, D87, D104, A17, A19, A20, A25, A32, A33, A35, A40, A45, A69-A72, A75, A104, A107, A113, A119, A126, A142, A164, A165).

Miscellaneous papers filed in county clerk's office including:

- i. Affidavits for tax deeds, showing name of purchaser, consideration, legal description of property, and signatures of affiant and county clerk. 1857--.
- ii. Applications for certificates of good moral character, showing names of state, county, applicant, judge, clerk, sheriff, sponsor, and witness, affidavit and signature of clerk, acknowledgment, and date of filing. 1900--.

- iii. Certificates of appointment of deputy county officers, showing names of deputy and witness, oath, and dates of oath and appointment. 1894--.
 - iv. Certificates of appointment of members of board of review, showing name of appointee, date of appointment, term of office, signature of county judge, and oath and signature of appointee. 1899--.
 - v. Justices' reports to county court of collections of fines and fees, showing names of justice and defendant, amount of fine, total amount of collections, and dates of report and filing. 1905--.
 - vi. Lists of insurance policies on county court house, showing date, number, and amount of policy, and names of company and agent. 1904--.
 - vii. Mothers' pension applications, showing date and number of application, name, address, and personal, occupational, and financial particulars of applicant, endorsements, and petition to county court. 1913--.
 - viii. Original bonds of county judge, county clerk, circuit clerk, treasurer, sheriff, state's attorney, superintendents of highways and schools, county supervisors, constables, justices of peace, police magistrates, town collectors, town assessors, town clerks, and mayors, showing name of official, title of office, date, amount, and obligations of bond, signatures of sureties, acknowledgment, and date of filing. 1821--.
 - ix. Sparrow, crow, and hog bounty claims, showing name of claimant, number, date, and amount of claim, number of animals killed, date and place of killing, and date and amount of payment. 1894--.
 - x. Special assessment papers for Monroe street pavement and Adams street sewer projects in Litchfield, Illinois, including petitions, appointments of commissions, objections, orders of confirmation, affidavits of mailing and posting notices, assessment rolls, and court orders. 1896-97.
 - xi. Wills showing names of testator, beneficiaries, and witnesses, date and provisions of will, and date of filing. 1851-1908.
- Also contains (List of Cancelled County Orders and Jury Certificates). 1889-1918, entry 14; (Reports Swamp Land Committee) 1887-1902, entry 22; (List of Grand Jurors), 1905, entry 23; Estray Papers, 1902--, entry 73; (Adoption Papers), 1874--, entry 128; and (Reports of State's Attorney), 1904-8, entry 144. Arr. by date of filing. For index, see entry 1. Nature of recording varies. 11 x 4½ x 13. Common vlt., 1st fl.

III. RECORDER

The recorder of Montgomery County was originally appointed by the Governor with the advice and consent of the Senate.¹ His bond, set at \$1,500, was to be filed with the Secretary of State. In 1829 the amount of bond was reduced to \$500.² The office became elective in 1835, for a four-year term, and bond was to be approved by the county commissioners' court.³ A two-year term became effective in 1847.⁴ With the adoption of the second constitution the office of recorder was abolished, the duties of that office being delegated to the circuit court clerk in an ex-officio capacity.⁵ The present constitution re-established the office of recorder in counties having a population of sixty thousand or more but continued the provision of the prior constitution for other counties.⁶ As the population of Montgomery never reached the minimum set by the constitution,⁷ the circuit court clerk in this county has retained his ex-officio duties as recorder. The amount of the recorder's bond was set at \$5,000 in 1872, and the county judge was to give approval.⁸ This amount was raised in 1874 to \$10,000 for counties having the population of Montgomery. A copy of the bond is entered upon the records of the county court.⁹

Assistants and deputies are appointed by the recorder in a number as determined by rule of the circuit court and as entered upon the court record.¹⁰ The compensation of the assistants and deputies is set by the county board.¹¹ Written oaths of deputies are filed with the Secretary of State.¹²

In accordance with the duty of the recorder to record at length all written instruments, the following records are required to be kept:

1. An entry book in which data relating to date and order of receipt of instruments to be recorded or filed, and the names of parties and location of property, with a brief description of the premises, are entered. Each of such instruments is numbered by the recorder with the corresponding number of the entry. The entry book serves as a table of contents, with descriptive memoranda, for all instruments recorded at length or filed in the recorder's office.
2. Well-bound books for recording at length any instrument in writing entitled to be recorded, in the order of time of its reception. Separate books are allowed to be kept for the recording of different classes of instruments, and two distinct series of document numbers may be used in recording documents received for recordation. One series preceded by the letter "B" is for the recordation of bills of sales of personal property, chattel mortgages, releases, extensions, and assignments thereof. The other series of document numbers is for all other instruments received for recordation.

1. **L. 1819**, p. 19.

2. **R. L. 1829**, p. 117.

3. **L. 1835**, p. 166.

4. **L. 1845**, p. 29. Effective in 1847.

5. Constitution of 1848, Art. V, sec. 19; **L. 1849**, p. 64.

6. Constitution of 1870, Art. X, sec. 8; **R. S. 1874**, p. 833.

7. Fifteenth census shows population of Montgomery County 41,403 in 1920 and 35,278 in 1930. **Population Bulletin, Illinois**, U. S. Census 1930, p. 28.

8. **L. 1871-72**, p. 645.

9. **R. S. 1874**, p. 833.

10. Constitution of 1870, Art. X, sec. 9; **R. S. 1874**, p. 833.

11. Constitution of 1870, Art. X, sec. 9.

12. **R. S. 1874**, p. 833.

3. Grantor and grantee indexes. In the grantor index are listed the names of the grantors in alphabetical order and the names of the grantees. The grantee index shows the names of the grantees in alphabetical order and the names of the grantors. Each index also shows the date of the instrument, time of receipt, kind of instrument, consideration, book and page of recordation or the number under which it is filed, and a brief description of the premises.
4. Indexes to each book of record in which are entered in alphabetical order the names of each grantor and grantee and page on which the instrument is recorded. This series indexes instruments such as powers of attorney, chattel mortgages, and those recorded by corporations.
5. An index to recorded maps and plats, based on location of property, sometimes arranged by section, township, and range.
6. An abstract book, in effect indexing records by showing for each tract every conveyance or incumbrance recorded, its execution and filing date, and the book and page of its recordation. Series optional with the county board.
7. A separate book to record certificates of honorable discharge from military, aviation, and naval service.¹³

The recorder, in recording at length any instrument in writing, is permitted to make a handwritten or typewritten transcription, a photographic or photostatic reproduction, or to use a combination of these methods." In addition to the instruments received for recordation, the recorder is required, upon receipt, to file any mortgage, trust deed, or conveyance of personal property having the effect of a mortgage or lien upon such property, which is endorsed with the words, "This instrument to be filed, but not recorded." The recorder marks such instruments "filed" and enters the time of their receipt and files them in his office.¹⁵

ENTRY BOOKS

86. Entry Book, 1837--. 25 v. (3 not numbered, 1-22).

Entry book of all instruments filed for recording, showing dates and numbers of entry and instrument, names of grantor and grantee, type of instrument, consideration, legal description of property, book and page of record, name of person receiving instrument subsequent to recording, and amount of fee. Arr. by date of entry. No index. Hdw. under pr. hdgs. 150 p. 10 x 8 x 1. 3 v. not numbered, 1837-68, common vlt., bsmt.; v. 1-22, 1869--, cir. clk.'s off., 1st fl.

13. **L. 1819**, p. 18, 20, 21; **R. L. 1829**, p. 116, 117; **L. 1847**, p. 69; **L. 1853**, p. 254; **L. 1867**, p. 148; **L. 1869**, p. 2; **L. 1871-72**, p. 645, 646; **L. 1873**, p. 144; **R. S. 1874**, p. 834-37; **L. 1917**, p. 652; **L. 1925**, p. 521; **L. 1933-34**, Third Sp. Sess., p. 214.
14. **L. 1933-34**, Third Sp. Sess., p. 214.
15. **L. 1927**, p. 521; **L. 1929**, p. 592-94; **L. 1933**, p. 860.

87. Land Books, (Entry Book) 1819-75. 1 v.

Original land entry book as compiled by state auditor, showing date of entry, name of patentee, description and location of property, and acreage. Arr. by sec. no. No index. Hdw. 150 p. 18 x 12 x 1. Common vlt., 1st fl.

88. Land Book (Entries of Conveyances), 1819-49. 1 v.

Entry book of land conveyances made since compilation of original by state auditor, showing date of entry, name of purchaser, description and location of property, and acreage. Arr. by sec. no. No index. Hdw. 300 p. 17 x 12 x 3. Common vlt., 1st fl.

INSTRUMENTS RECORDED

General

89. General Index, Grantor and Grantee, 1831--. 70 v. (1-13, 22 not numbered, grantor; 1-13, 22 not numbered, grantee).

Index to Deed Record, entry 90; Quitclaim Deed Record, entry 92; Warranty Deed Record, entry 93; Master's Deed Record, entry 94; Road Deed Record, entry 95; Mortgage Records, entry 96; Release Record, entry 99; Assignment of Mortgages, entry 100; (Master's) Certificate of Sales and Redemptions, entry 103; and Sheriff Certificate of Levy (Sale and Redemption), entry 104, showing names of grantor and grantee, book and page of record, legal description of property, consideration, and dates of instrument and filing. Also contains Mortgagor and Mortgagee Index, 1922--, entry 97. Arr. alph. by names of grantor and grantee. Hdw. under pr. hdgs. 250 p. 8 x 18 x 2½. V. 1-13, grantor, 1-13, grantee, 1831-1914, cir. clk.'s outer off., 1st fl.; 22 v. not numbered, grantor, 22 v. not numbered, grantee, 1915--, cir. clk.'s off., 1st fl.

90. Deed Record, 1821--. 106 v. (A-Z, 1-150 not consecutive).

Recordation of all deeds not segregated by type, showing names of grantor, grantee, and recorder, consideration, legal description of property, notarial acknowledgment, and dates of instrument, filing, and recording. Also contains Miscellaneous Records, 1821-67, entry 91; Quitclaim Deed Record, 1821-63, entry 92; Warranty Deed Record, 1821-91, entry 93; Master's Deed Record, 1856-1903, entry 94; Road Deed Record, 1821-1929, entry 95; Mortgage Records, 1821-57, entry 96; Release Record, 1821-68, entry 99; Assignment of Mortgages, 1852-57, entry 100; Chattel Mortgages, 1821-57, entry 101; and Plat Book, 1821-58, entry 115. Arr. by date of recording. Indexed alph. by name of grantor; for sep. index, 1831--, see entry 89. 1821-1912, hdw.; 1913--, typed. 590 p. 18 x 13 x 3. Common vlt., 1st fl.

91. Miscellaneous Records, 1868--. 28 v. (1-28). 1821-67 in Deed Record, entry 90.

Recordation of miscellaneous instruments, including leases, releases, wills, affidavits, powers of attorney, letters of administration, certificates of marriages, transfer of stock, and election of trustees. Also contains Assignment of Mortgages, 1868-1915, entry 100; Incorporation Record, 1868-1909, entry 108; and Stallion Lien Record, 1892-1924, entry 111. Arr. by date of recording. Indexed alph. by name of

person filing instrument. Hdw. 580 p. 17 x 11 x 2. Common vlt., 1st fl.

Deeds (See also entry 107)

92. **Quitclaim Deed Record**, 1869--. 15 v. (20, 28, 64, 71, 85, 92, 98, 105, 118, 128, 136, 146, 158, 165, 170). 1821-68 in Deed Record, entry 90.

Copies of quitclaim deeds, showing names of grantor and grantee, consideration, legal description of property, terms and date of instrument, notarial acknowledgment, and dates of filing and recording. Arr. by date of recording. Indexed alph. by name of grantor; for sep. index, see entry 89. 1869-1912, hdw. on pr. fm.; 1913--, typed on pr. fm. 590 p. 18 x 13 x 3. Common vlt., 1st fl.

93. **Warranty Deed Record**, 1892--. 74 v. (62-172 not consecutive). 1821-91 in Deed Record, entry 90.

Copies of warranty deeds, showing names of grantor, grantee, and recorder, legal description of property, consideration, date and number of instrument, notarial acknowledgment, and dates of filing and recording. Arr. by date of recording. Indexed alph. by name of grantor; for sep. index, see entry 89. 1892-1908, hdw. on pr. fm.; 1909--, typed on pr. fm. 572 p. 18 x 13 x 3. Common vlt., 1st fl.

94. **Master's Deed Record**, 1904--. 2 v. (82-116). 1856-1903 in Deed Record, entry 90.

Recordation of master-in-chancery deeds, showing names of grantor and master, legal description of property, consideration, number of instrument, and dates of deed, filing, and recording. Arr. by date of recording. Indexed alph. by name of master in chancery; for sep. index, see entry 89. 1904-12, hdw. on pr. fm.; 1913--, typed on pr. fm. 590 p. 18 x 13 x 3. Common vlt., 1st fl.

95. **Road Deed Record**, 1930--. 1 v. (162). 1821-1929 in Deed Record, entry 90.

Copies of deeds to lands sold for public highways, showing name of grantor, number and date of instrument, legal description of property, consideration, notarial acknowledgment, and dates of filing and recording. Arr. by date of recording. Indexed alph. by name of grantor; for sep. index, see entry 89. Typed on pr. fm. 310 p. 18 x 13 x 3. Common vlt., 1st fl.

Mortgages - Real Property (See also entry 107)

96. **Mortgage Records**, 1858--. 107 v. (1-107). 1821-57 in Deed Record, entry 90.

Copies of real estate mortgages with marginal releases, showing instrument number, names of mortgagor, mortgagee, and witnesses, amount of mortgage, rate of interest, notarial acknowledgment, and dates of instrument, filing, release, and recording. Also contains Assignment of Mortgages, 1858-67, entry 100. Arr. by date of recording. Indexed alph. by names of mortgagor and mortgagee; for sep. index, 1858-1921, see entry 97; for sep. index, 1922--, see entry 89; for sep. index to marginal releases, 1874-1915, see entry 98. 1858-1905, hdw. on pr. fm.; 1906--, typed on pr. fm. 620 p. 16 x 12 x 1½. Common vlt., 1st fl.

97. **Mortgagor and Mortgagee Index, 1858-1921.** 8 v. (1-4, mortgagor; 1-4, mortgagee). 1922-- in General Index, Grantor and Grantee, entry 89.

Index to Mortgage Records, entry 96, showing names of mortgagor and mortgagee, date of mortgage, consideration, legal description of property, and book and page of entry. Arr. alph. by names of mortgagor and mortgagee. Hdw. under pr. hdgs. 320 p. 17 x 11 x 2. Common vlt., 1st fl.

98. **Release and Assignment Record, (Index to Marginal Releases), 1874-1915.** 1 v.

Index to marginal releases in Mortgage Records, entry 96, showing names of mortgagor and mortgagee, book and page of entry, dates of mortgage and release, legal description of property, and consideration. Arr. alph. by name of mortgagor. Hdw. under pr. hdgs. 300 p. 18 x 12 x 2. Common vlt., 1st fl.

99. **Release Record, 1869--.** 30 v. (1-30). 1821-68 in Deed Record, entry 90.

Copies of mortgage releases, showing instrument number, names of mortgagor and mortgagee, book and page of mortgage record, legal description of property, terms of release, acknowledgment, and dates of release, filing, and recording. Arr. by date of filing. Indexed alph. by name of mortgagee; for sep. index, see entry 89. Hdw. on pr. fm. 620 p. 17 x 13 x 2. Common vlt., 1st fl.

For other copies of mortgage releases, 1868--, see entry 91.

100. **Assignment of Mortgages, 1916--.** 1 v. (1). 1852-57 in Deed Record, entry 90; 1858-67 in Mortgage Records, entry 96; 1868-1915 in Miscellaneous Records, entry 91.

Copies of assignments of mortgages, showing names of assignee, assignor, and original owner, legal description of property, consideration, book and page of mortgage record, notarial acknowledgment, and dates of assignment, filing, and recording. Arr. by date of recording. Indexed alph. by name of mortgagor; for sep. index, see entry 89. Hdw. on pr. fm. 595 p. 18 x 12 x 2½. Common vlt., 1st fl.

Mortgages - Chattel

101. **Chattel Mortgages, 1904--.** 47 v. (25-71). 1821-57 in Deed Record, entry 90; 1858-1903 destroyed by fire.

Copies of chattel mortgages, showing date and number of instrument, names of mortgagor and mortgagee, list of property, terms of mortgage, notarial acknowledgment, and date of filing and recording. Arr. by date of recording. Indexed alph. by names of mortgagor and mortgagee; for sep. index, see entry 102. 1904-26, hdw.; 1927--, typed. 584 p. 18 x 13 x 3. V. 25-36, 1904-26, common vlt., bsmt.; v. 37-71, 1927--, cir. clk.'s off, 1st fl.

102. **Chattel Mortgage Index, 1888--.** 4 v. (1-4).

Index to Chattel Mortgages, entry 101, showing names of mortgagor and mortgagee, consideration, book and page of entry, and dates of instrument and filing. Arr. alph. by name of mortgagor. Hdw. under pr. hdgs. 620 p. 16 x 12 x 2. Cir. clk.'s off., 1st fl.

Certificates of Levy (See also entry 230)

103. (Master's) Certificate of Sales and Redemptions, 1871--. 3 v. (3, 1871-1902; 5, 1895-1920; 6, 1918--). 1860-70 in Sheriff Certificate of Levy (Sale and Redemption), entry 104.

Copies of master's certificates of sale and redemption, showing names of plaintiff, defendant, purchaser, and master, legal description of property, dates and amounts of judgment and sale, execution number, and dates of redemption and recording; includes copies of sheriff's certificate of sale and redemption, 1918--. Arr. by date of recording. Indexed alph. by name of defendant; for sep. index, see entry 89. 1871-1902, hdw.; 1895-1920, hdw. on pr. fm.; 1918--, typed. 595 p. 12 x 15 x 3. Common vlt., 1st fl.

104. Sheriff Certificate of Levy, (Sale and Redemption), 1860--. 3 v. (1-3). Title varies: Sheriff Book, v. 1, 1860-70.

Copies of sheriff's certificate of levy, sale, and redemption, showing names of plaintiff, defendant, purchaser, and sheriff, legal description of property, dates and amounts of judgment and sale, and dates of redemption and recording; subsequent to 1917, contains sheriff's certificates of levy only. Also contains (Master's) Certificate of Sales and Redemptions, 1860-70, entry 103. Arr. by date of recording. 1860-70, indexed alph. by name of plaintiff; for sep. index, see entry 89. 1860-70, hdw.; 1871--, hdw. on pr. fm. 300-595 p. 14 x 10 x 2 - 12 x 15 x 3. Common vlt., 1st fl.

For copies of sheriff's certificates of sale and redemption, 1918--, see entry 103.

Bonds of Officers

105. Township Treasurers' Bond, 1890--. 2 v. (1, 2).

Copies of township school treasurers' bonds, showing names of principal and sureties, date, amount, and terms of bond, acknowledgment, and dates of filing and recording. Arr. by date of recording. Indexed alph. by name of treasurer. Hdw. and hdw. and typed on pr. fm. 255-300 p. 18 x 12 x 1½ - 15 x 12 x 3. V. 1, 1890-1923, common vlt., bsmt.; v. 2, 1924--, cir. clk.'s outer off., 1st fl.

For original bonds of township treasurers, see entry 296.

Tract Index

106. Tract Index, 1821--. 41 v. (Butler Grove, Harvel, North Litchfield, Pitman, Rountree, Walshville, and Zanesville townships, 1 v. each; Audubon, Bois d'Arc, Fillmore, Grisham, Irving, Raymond, South Litchfield, and Witt townships, 2 v. each; City of Litchfield, 3 v.; Nokomis Township, 4 v.; Hillsboro Township, 5 v.; East Fork Township, 6 v.).

Tract index to lands and lots in Montgomery County, showing legal description of property, book and page of conveyance record, consideration, names of grantor and grantee, dates of instrument and filing, and remarks. Arr. by sec., twp., and range. Hdw. under pr. hdgs. 500 p. 12 x 18 x 3. Common vlt., 1st fl.

Other Instruments

107. Railroad Record, 1889--. 2 v. (B, C). Last entry 1918.

Copies of miscellaneous instruments pertaining to organization of railroad companies, including rental agreements between railroad and other companies, trust deeds, mortgages, lists of bonds issued, bond issue releases, annual statements of valid leases, conditions of sale

of railroad stock, resolutions of stockholders, and leases of mineral rights. Arr. by date of recording. Indexed alph. by name of railroad company. Hdw. and typed on pr. fm. 592 p. 18 x 12 x 2. Common vlt., 1st fl.

108. Incorporation Record, 1910--. 2 v. (1, 2). 1868-1909 in Miscellaneous Records, entry 91.

Copies of articles of incorporation and amendments, showing names of corporation and directors, list of articles and amendments, amount of capital stock, certificate of publication, notarial acknowledgment, and dates of incorporation, filing and recording. Arr. by date of recording. Indexed alph. by name of corporation. Typed. 324 p. 18 x 12 x 2. Cir. clk.'s off., 1st fl.

109. Soldiers' Discharge Record, 1919--. 2 v. (1, 2).

Copies of certificates of soldiers' discharges, showing name and rank of soldier, company number, reason for and date of discharge, date and place of birth, age, occupation, and physical description at time of enlistment, service record, signature of commanding officer, and date of filing. Arr. by date of filing. Indexed alph. by name of soldier. Hdw. and typed on pr. fm. 618 p. 18 x 12 x 2½. Cir. clk.'s off., 1st fl.

110. Index of Liens On Chattels (Record), 1922--. 1 v. (1).

Copies of liens on chattels, showing names of plaintiff and defendant, description of property, date and number of instrument, amount of lien, and dates of filing, recording, and release. Arr. by date of recording. Indexed alph. by name of plaintiff. Hdw. on pr. fm. 300 p. 18 x 12 x 1. Cir. clk.'s off., 1st fl.

111. Stallion Lien Record, 1925--. 1 v. (1). 1892-1924 in Miscellaneous Records, entry 91.

Copies of liens on gets, showing names and addresses of mare and stallion owners, name and description of mare, amount of lien, and dates of service, lien, filing, and recording. Arr. by date of recording. Indexed alph. by name of stallion owner. Hdw. on pr. fm. 320 p. 18 x 12 x 1½. Cir. clk.'s off., 1st fl.

112. Register of Stallion Certificates, 1910-18. 1 v. Now kept by State Department of Agriculture, Division of Animal Industry, Springfield, Illinois.

Register of certificates and certificate renewals of pedigreed stallions, showing number of certificate, grade, pedigree, name, and description of stallion, names of owner and examining veterinarian, dates of examination, license, expiration, renewal, and registration. Arr. by date of registration. Indexed alph. by name of owner. Hdw. on pr. fm. 604 p. 18 x 10 x 2. Cir. clk.'s off., 1st fl.

113. Record of Farm Names, 1915-28. 1 v.

Copies of applications for registration of farm names, showing names of applicant and farm, legal description of farm, signature of owner, application number, and dates of application and recording. Arr. by date of recording. Indexed alph. by name of farm owner. Hdw. on pr. fm. 296 p. 16 x 12 x 1½. Cir. clk.'s off., 1st fl.

114. Roll of Honor World War, 1919. 1 v.

List of persons serving in World War, showing name, age, occupation, and address of soldier, place, nature, and date of enlistment, branch of service, place and date of discharge, and name of nearest relative. Arr. alph. by name of soldier. No index. Typed under pr. hdgs. 572 p. 14 x 12 x 2. Cir. clk.'s off., 1st fl.

PLATS

115. Plat Book, 1859--. 2 v. (1, 2). 1821-58 in Deed Record, entry 90.

Record of land surveys, showing legal description of property, scale, points from which surveyed, plat of survey, name and affidavit of surveyor, notarial acknowledgment, name of recorder, and dates of filing and recording. Arr. by range no. No index. Hdw. and hand-drawn. 1 in. to 50 ft.—1 in. to 200 ft. 100-500 p. 32 x 24 x 2 - 24 x 18 x 2. Cir. clk.'s outer off., 1st fl.

116. Government Plat Book, 1871. 1 v.

Plats of government surveys, showing legal description of property, scale, dates of survey and recording, locations, diameters, and courses of cornerstones and witness trees, and links distant to next witness tree. Surveyor, W. W. Lawton. 1 in. to 40 rods. Arr. by sec., twp., and range. No index. Hdw. under pr. hdgs. and hand-drawn. 75 p. 24 x 18 x 2. Cir. clk.'s outer off., 1st fl.

IV. COUNTY COURT

The county court serves as the judicial branch of county government. This court is administered by the county judge who is elected for a four-year term by the county electorate. Before entering upon the duties of his office, the county judge is required to take and subscribe to an oath which he files with the Secretary of State. The compensation of the Montgomery county judge was originally set at \$2.50 per diem for holding court, which was paid quarterly out of the county treasury.¹ Today, the judge in this county receives \$3,240 per annum.² The court hears and determines matters in which it has original or concurrent jurisdiction, including appeals from the justices of the peace and police magistrates.³

At the time of the organization of Montgomery County in 1821, the powers of the judiciary in all counties were administered only by the justices of the peace,⁴ the probate judge,⁵ and the circuit court.⁶ Later, a civil and criminal court with jurisdiction coextensive with the county lines was established under the provisions of the Constitution of 1848 and legislation of 1849.⁷ The court created was the county court. This unit of county government was established with a partial reversion to the dual function, administrative and judicial, of the local judiciary in Illinois under the Territorial Laws prior to 1818. The court was different from the territorial courts in that its composition varied for each of the two functions. The judicial court was administered by the county judge, who was elected by the county electorate and commissioned by the Governor. His original four-year tenure of office has remained effective to the present.⁸ As the administrative body, the court was made up of the county judge and two justices of the peace.⁹

Under the second constitution complete separation of county business powers from the judicial could be had with the acceptance by the county electorate of an independent administrative body, the board of supervisors, established under township organization.¹⁰ This plan of government was not selected immediately, and Montgomery was governed by the dual county court until 1873, when the county board of supervisors became successor to the county court in its jurisdiction over county affairs and business. From that date on, the county court has served only as a judicial court in Montgomery County.

The county court as established in 1849 was vested with the same civil and criminal jurisdiction as the justices of the peace. The county judge was made a conservator of the peace. He was given the

1. **L. 1849**, p. 62, 63.

2. **L. 1933**, p. 616.

3. **R. S. 1874**, p. 339, 340; **L. 1881**, p. 70.

4. Constitution of 1818, Art. IV, sec. 8; **L. 1819**, p. 192.

5. **L. 1821**, p. 119.

6. **L. 1819**, p. 380.

7. Constitution of 1848, Art. V, sec. 1, 16; **L. 1849**, p. 62.

8. Constitution of 1848, Art. V, sec. 17; **L. 1849**, p. 62; **R. S. 1874**, p. 339; **L. 1933**, p. 451.

9. **L. 1849**, p. 65.

10. Constitution of 1848, Art. VII, sec. 6; **L. 1849**, p. 192, 202-4; **L. 1851**, p. 38, 50-52.

County Court

same power and authority as the circuit judge in preserving order in the court and punishing contempts offered the court while in session.¹¹ Suits for sale of delinquent lands for taxes of 1848, and prior years, could be brought and presented in either the circuit or county court, but for taxes of subsequent years, the county court was given exclusive original jurisdiction.¹² The court also exercised jurisdiction equal with that of the circuit court over naturalization.¹³

In addition to its civil and criminal jurisdiction, the court was vested with all the powers and jurisdiction in probate matters which were vested prior to this date in the court of the probate justice. The court was given concurrent jurisdiction with the circuit court in hearing and determining applications for the sale of real estate of deceased persons and for the payment of debts for the estate.¹⁴ In Montgomery County the county judge has served to the present day in his ex-officio capacity as judge of the probate court.¹⁵

The law jurisdiction of the county court in Montgomery County is concurrent with that of the circuit court in that class of cases, wherein the justices of the peace have jurisdiction where the value of the amount in controversy does not exceed \$1,000,¹⁶ in all cases of appeals from justices of the peace and police magistrates, and in all criminal offenses and misdemeanors where the punishment is not imprisonment in the penitentiary or death.¹⁷ The county court also has original jurisdiction in matters relating to indigent mothers¹⁸ and jurisdiction over insane persons not charged with crime.¹⁹

The county and circuit courts have original jurisdiction in cases of juvenile offenders. This jurisdiction is over matters dealing with dependent, neglected, and delinquent children. The authority includes provision for the treatment, control, maintenance, adoption, and guardianship of such children.²⁰

In 1899 provision was made for the appointment by the court of a juvenile probation officer to serve without compensation from the public treasury and at the pleasure of the court.²¹ In 1907 an amendment to this act authorized the court to allow compensation to such

11. **L. 1849**, p. 65.

12. *Ibid.*, p. 126.

13. 2 U. S. Stat. L. 155.

14. **L. 1849**, p. 65.

15. Constitution of 1848, Art. V, sec. 16, 18; **L. 1849**, p. 65; Constitution of 1870, Art. VI, sec. 18; **R. S. 1874**, p. 339; **L. 1933**, p. 449.

16. Under the laws of 1872 and the revised statutes of 1874, the jurisdiction was in cases wherein the amount involved did not exceed \$500 (**L. 1871-72**, p. 325; **R. S. 1874**, p. 340). Legislation enacted in 1933 extended the jurisdiction to \$2,000 (**L. 1933**, p. 452), but a later amendment of the same session, passed June 21, 1933, placed the jurisdiction in cases where the amount involved is not over \$1,000 (*Ibid.*, p. 449).

17. **R. S. 1874**, p. 340; **L. 1877**, p. 77; **L. 1895**, p. 212, 223; **L. 1933**, p. 448.

18. **L. 1913**, p. 127; **L. 1915**, p. 243; **L. 1921**, p. 164; **L. 1935**, p. 256.

19. **L. 1869**, p. 336; **R. S. 1874**, p. 685.

20. **L. 1899**, p. 131-37; **L. 1901**, p. 141-44; **L. 1905**, p. 152-56; **L. 1907**, p. 70-78.

21. **L. 1899**, p. 133.

County Court

officers in a sum to be set by the county board, but the power of the court to appoint probation officers to serve without pay was in no way abridged by this legislation.²² An amendment of 1925 provided that if more than one probation officer were appointed, one was to be designated the chief probation officer. To be eligible for the position of chief probation officer, the candidate was required to have had experience in social welfare work equivalent to one year spent in active practical welfare work. Minimum rates, based upon population, were established for the compensation of these officers, the county board to fix the amount. Where a county had only one probation officer, the salary rates were made to apply to that individual. The court, however, retains the power to appoint probation officers to serve without pay.²³ For Montgomery County and others with a population of more than twenty-five thousand, but not exceeding fifty thousand,²⁴ the rate is set at a sum not less than \$100 a month.

The officer under consideration makes investigation on order of the court and takes charge of the child before and after trial. He is required to be present at the court hearings in order that he may represent the interests of the child. This officer also furnishes information and assistance as required by the court.²⁵

Upon petition filed with the clerk of the court for a removal of a neglected or dependent child from the custody of its parents or guardian, process is issued for appearance. The summons may be served by the sheriff or the duly appointed probation officer.²⁶ At any time after the filing of the petition and pending final disposition, the court may allow the child to remain in possession of its custodian, or in its home subject to the visitation of the probation officer; or the child may be ordered in custody of the probation officer.²⁷ If upon hearing the case the court finds the child to be dependent or neglected, the court may commit the child to an association or institution, or allow the child to remain in his home subject to the visitation of the probation officer.²⁸ In a similar fashion the probation officer for adults, an appointee of the circuit court, assists the county court in the administration of justice among adult violators.²⁹

In cases of delinquency, if the court finds any child to be delinquent, the court may commit the child to an institution or to the custody of the probation officer. The court may, upon its discretion, send juvenile offenders and vagrants to the state reform school rather than to the county jail.³⁰

Another probation officer, also an appointee of the county court, assists the court in mothers' pension cases. The state and county

22. L. 1907, p. 69, 70.

23. L. 1925, p. 187, 188.

24. In 1930 the population of Montgomery County was listed as 35,278 (*Population Bulletin, Illinois*, U. S. Census 1930, p. 28).

25. L. 1899, p. 133; L. 1925, p. 187, 188.

26. L. 1899, p. 132, 133; L. 1905, p. 153, 154; L. 1907, p. 72, 73.

27. L. 1907, p. 74.

28. L. 1923, p. 180, 181.

29. L. 1911, p. 280-82.

30. L. 1907, p. 75.

County Court

funds for indigent mothers and their children are administered by the county court, its appointed probation officers, the county board with the assistance of the county clerk, the county treasurer, and the State Department of Public Welfare. The county court, however, is given original jurisdiction in these matters.³¹

A mother whose husband is dead or incapacitated, or who is abandoned by her husband, is entitled to the benefits of the mothers' pension fund. Such mother in need may file an application with the county court for relief. The case of the applicant is then investigated by the probation officer under the direction of the court.

A report and recommendation of the approval or disapproval of such application is then made by this officer to the court. If the application is approved, the probation officer or other person may file with the clerk of the court a written petition verified by affidavit setting forth the facts giving the court jurisdiction and other facts upon which an order for relief is entered. Upon receipt of the petition, a summons is issued to the mother and the county board for appearance. The usual procedure is for the board to make a written appearance. Upon the hearing in court, the court may make an order upon the county board to pay monthly such money as may be necessary for the care of the mother and her child or children in accordance with the provisions of the law.

To carry out this procedure, the county court appoints the probation officer who serves during the pleasure of the court and is compensated for his services by the county in such amount as determined by the county board. As noted above, this officer investigates all applications for relief and makes a written report to the court. In addition to this duty, the probation officer makes quarterly visits to, and supervises under the direction of the court, the families to whom such assistance has been granted.³²

The county board annually levies a tax on all taxable property to provide for the mothers' pension fund. The levy is made not in excess of two-fifths of one mill of a dollar in Montgomery County.³³ In addition, the General Assembly, from time to time, makes appropriations to the State Department of Public Welfare, which funds, in turn, are distributed to the several counties to supplement the pension fund. To become entitled to the state appropriation, the county must meet the standards of administration set by the state agency. The county treasurer certifies to the state department an itemized statement, attested by the county clerk, of the money paid out during each quarter in accordance with the legislative provisions for this pension; and also certifies annually the total assessed valuation and amount of money raised by tax levy for the mothers' pension fund.³⁴

Jurisdiction in the election procedure is vested variously in the county board, the county court, and the county clerk. The Montgomery county court performs an important function in this procedure.

31. L. 1913, p. 127; L. 1915, p. 243; L. 1921, p. 164; L. 1935, p. 256.

32. L. 1933, p. 194; L. 1935, p. 256.

33. L. 1919, p. 780.781; L. 1927, p. 196, 197; L. 1923, First Sp. Sess., p. 3, 4; L. 1933, p. 194.

34. L. 1935, p. 259.

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In each city, village, and incorporated town adopting the act regulating elections in such political units, there is a board of election commissioners composed of three appointees of the county court who serve alternately for three-year terms.³⁵ The election boards have authority and are charged with the organization of election districts and precincts, the appointment of judges and clerks of election, the provision of election ballots, and the application of the rules and regulations for permanent registration and elections.³⁶ Otherwise, jurisdiction is vested in the county board, county court, and county clerk. The county court has original jurisdiction in election contests for certain county, district, and township offices.³⁷

Aiding in the settlement of questions arising in the course of the election procedure is the county officers electoral board. This body consists of the county judge as chairman, the county clerk, and the state's attorney.³⁸

The several nomination papers for county offices are filed with the county clerk and are considered valid unless objections are made within five days after the last day for filing such papers. Objections to nominations are made to the county officers electoral board for any office of the county, park district, or other division coterminous with or less than the county and other than a city, village, incorporated town, or township.³⁹

The objector's petition is filed with the county clerk who presents the same together with the nomination papers or certificate before the electoral board.⁴⁰ The petition contains the objector's name and residence, nature of objection, the interest of the objector, and the relief sought of the board." A notice of the hearing is sent to the candidate. Upon hearing the objections, the board renders a final decision by majority vote. In the event the candidate whose nomination is protested is a member of the electoral board, the circuit judge is required to fill his place.⁴¹

Jurisdiction is vested in the county court to hear and determine all questions relative to taxes on gifts, legacies and inheritance.⁴² The act granting this jurisdiction is generally known as the "Inheritance Tax Law." Originally, the state's attorney was charged with the duty of enforcing the provision of this law,⁴³ however, since 1913 these duties have been performed by the Attorney General.⁴⁴ Under that law the county judge and the county clerk are required every three months to make a statement in writing to the county treasurer of the property from which or the party from whom he has reasons

35. L. 1885, p. 142; L. 1899, p. 157; L. 1917, p. 445; L. 1929, p. 339; L. 1933, p. 534; L. 1935-36, Fourth Sp. Sess., p. 33.

36. Ibid.

37. L. 1871-72, p. 396.

38. L. 1891, p. 110; L. 1933, p. 552.

39. L. 1891, p. 110, 111; L. 1929, p. 394.

40. L. 1891, p. 111; L. 1929, p. 394; L. 1933, p. 552.

41. L. 1929, p. 394, 395.

42. L. 1933, p. 552.

43. L. 1895, p. 306; L. 1909, p. 318.

44. L. 1895, p. 306; L. 1909, p. 319.

45. L. 1913, p. 515, 516; L. 1935, p. 1179, 1180.

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to believe a tax under this act is due and unpaid.⁴⁶ The county treasurer is required to collect and pay to the State Treasurer all taxes that may be due and payable under it.⁴⁷

Under an act of 1933, housing corporations may be organized in Illinois for the express purpose of improving housing conditions.⁴⁸ Such corporations are subject to the supervision and control of the State Housing Board. This state agency has authority, after investigations and public hearings, to approve the acquisition of property and construction of housing projects. If the State Housing Board approves a project over the objections of ten per cent of the property owners within a mile, but not included in the project, it must then file an application with the clerk of the county court to be submitted to the county judge for the confirmation of its approval. Such application is to contain copies of the findings and order of the board, transcript of testimony, description of the project and public spaces, statement of location, and reasons for approval by the board. The objectors to the project may file objections in the county court to the confirmation of such a project. The county judge then examines the application, objections, and any additional evidence before rendering a decision of "approved" or "not approved" on the application.⁴⁹

Appeals from the judgments and decisions of the county court may be taken to the circuit court.⁵⁰ To the appellate court or supreme court may be taken and prosecuted appeals and writs of error in proceedings for the sale of lands for taxes and special assessments, in all common law and attachment cases, and in cases of forcible detainer and forcible entry and detainer. Such appeals and writs of error are, when not otherwise provided, taken and prosecuted in the same manner as appeals and writs of error from the circuit court.⁵¹

The records of the county court are kept by its clerk. In Montgomery County the county clerk is ex-officio clerk of the county court. In addition to the statutory records described below the clerk necessarily maintains others in effecting the court's orders.⁵²

For the court the clerk keeps the following records:

1. Books of record of the proceedings and judgments of the court with alphabetical indexes by names of parties. Proceedings are recorded at length only in cases designated by law or when the court, at the motion and assumption of expenses by one of the parties, so orders. In practice, the court record has been broken down from an early date into segregated types of proceedings and judgments.
2. "Plaintiff-Defendant Index to Court Records" and "Defendant-Plaintiff Index to Court Records," intended

46. L. 1895, p. 306; L. 1909, p. 319; L. 1913, p. 516.

47. L. 1895, p. 307; L. 1909, p. 319; L. 1913, p. 516.

48. L. 1933, p. 396-415; L. 1923-34, Third Sp. Sess., p. 167-74.

49. Ibid.

50. R. S. 1874, p. 339; L. 1933, p. 396.

51. R. S. 1874, p. 339; L. 1877, p. 77; L. 1881, p. 66.

52. The form which such records take is generally determined by court order (L. 1849, p. 66; R. S. 1874, p. 263).

- to be separate records, but frequently combined in a single volume with the two indexes segregated in each volume.
3. A general docket in which all suits are entered in the order they are commenced.
 4. A judgment and execution docket containing a column for the entry of satisfaction or other disposition. In practice, an execution docket is frequently set up independently.
 5. Additional dockets, designated as the clerk's, judge's, and bar dockets. In practice, the bar docket has tended to drop out of use.⁵³
 6. A feebook in which costs and fees are to be entered under the proper title of the cause. In practice, separate series of volumes are maintained under these titles of causes.
 7. Transcripts of proceedings in appeals from justices' courts, dockets thereof, and transcripts of judgment for liens, etc., from justices' courts.
 8. Naturalization records including petitions, proceedings, final certificates, etc. The county courts in Illinois prior to 1906 met the requirement of Federal Statutes to exercise naturalization jurisdiction.⁵⁴
 9. Original documents used in court hearings and determinations; of particular importance in the large number of cases where complete proceedings are not spread on court record.⁵⁵
 10. Monthly reports of the warden of the county jail containing a list of all prisoners in his custody, showing the cause of commitment and names of persons by whom committed.⁵⁶

PROCEEDINGS OF COURT

(See also entries 85 [ii, vii, x], 260)

117. Plaintiffs' and Defendants' Index, 1859--. 1 v. (1).

Index to Common Law Files, entry 118; Criminal Case Files, entry 122, and Insanity Files, entry 125, showing names of plaintiff and defendant, type of action, date of court term, and file box labeling. Arr. alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 400 p. 18 x 12 x 4. Co. clk.'s off., 1st fl.

118. Common Law Files, 1873--. 77 f. b. (1-163 not consecutive).

53. The Civil Service Practice Act of 1933 grants authority to county courts, subject to rules promulgated by the Supreme Court and not inconsistent with statutory requirements, to make such rules as they may deem expedient, regulating dockets and calendars of said court (**L. 1933**, p. 786).

54. **U. S. R. S. 1789-1874**, p. 378.

55. **R. S. 1845**, p. 323, 324, 414, 418, 419; **L. 1865**, p. 79, 80; **L. 1871-72**, p. 325; **R. S. 1874**, p. 262, 263, 339; **L. 1877**, p. 77; **L. 1933**, p. 448, 451; 2 U. S. Stat. L. 153-55; **U. S. R. S. 1789-1874**, p. 378-80; 34 U. S. Stat. L. 596-607; 44 U. S. Stat. L. 709, 710.

56. **R. S. 1874**, p. 616; **L. 1933**, p. 678.

Papers in common law cases, including summonses, subpoenas, pleas, warrants, writs, witness affidavits, depositions, commitments, stipulations, replications appeals, bonds, jury verdicts, and court orders. Also contains (Dependent and Delinquent Children), 1873-95, entry 129. Arr. by case no. For index, see entry 117. Hdw., typed, and hdw. and typed on pr. fm. 11 x 5 x 4. Common vlt., 1st fl.

119. County Court Record (Common Law), 1873--. 4 v. (3, 3-5). Record of proceedings in common law cases, showing date of proceedings, case number, names of plaintiff, defendant, and attorneys, nature of action, court orders, and final disposition of case. Also contains Default Record, 1913--, entry 121. Arr. by date of proceedings. Indexed alph. by name of defendant; for sep. index, see entry 120. 1873-1923, hdw.; 1924--, typed. 365 p. 18 x 12 x 3. V. 3, 3, 1873-1923, common vlt., 1st fl.; v. 4, 5, 1924--, co. clk.'s off., 1st fl.

120. Plaintiffs' Index to Court Records, 1873--. 1 v. (2). Index to County Court Record (Common Law), entry 119, showing names of plaintiff and defendant, date of court term, nature of action, and book and page of entry. Arr. alph. by name of plaintiff. Hdw. under pr. hdgs. 400 p. 18 x 12 x 4. Co. clk.'s off., 1st fl.

121. Default Record, 1873-1912. 1 v. 1913-- in County Court Record (Common Law), entry 119. Record of judgments by default, showing date of judgment, names of plaintiff, defendant, judge, clerk, and sheriff, nature of action, amount of judgment, and signature of clerk. Arr. by date of judgment. Indexed alph. by name of plaintiff. Hdw. on pr. fm. 580 p. 18 x 12 x 2. Co. clk.'s off., 1st fl.

122. Criminal Case Files, 1873--. 14 f. b. (A1, A3, A41, A63-A67, A71, A79, A80, A83, A148, A155). Papers in criminal cases, including summonses, subpoenas, pleas, warrants, indictments, writs, witness affidavits, commitments, appeals, recognizance and appeal bonds, jury verdicts, and court orders. Arr. by case no. For index, see entry 117. Hdw., typed, and hdw. and typed on pr. fm. 11 x 5 x 14. Common vlt., 1st fl.

123. County Court Records (Criminal), 1873--. 4 v. (3-6). Record of proceedings in criminal cases including probation cases, showing date of proceedings, names of defendant and attorneys, nature of action, court orders, and final disposition of case. Arr. by date of proceedings. Indexed alph. by name of defendant; for sep. index, see entry 124. 1873-1917, hdw.; 1918--, typed. 572 p. 18 x 12 x 2. V. 3, 4, 1873-1917, common vlt., 1st fl.; v. 5, 6, 1918--, co. clk.'s off., 1st fl.

124. Defendants' Index To Court Records, 1873--. 1 v. (2). Index to County Court Records (Criminal), entry 123, showing name of defendant, nature of action, date of court term, and book and page of entry. Arr. alph. by name of defendant. Hdw. under pr. hdgs. 400 p. 18 x 12 x 4. Co. clk.'s off., 1st fl.

125. Insanity Files, 1859--. 18 f. b. (A55-A62, A70, A71, A82, A108, A110, A125, A140, A147, A150, A169). Original documents filed in insanity and feeble-minded cases, including petitions, writs, interrogations, reports of physicians and com-

missions, jury verdicts, court orders, and warrants for commitment. Arr. by date of petition. For index, see entry 117. Hd. on pr. fm. 12 x 4 x 16. Common vlt., 1st fl.

For other documents in feeble-minded cases, 1896-- , see entry 129.

126. Insanity Record, 1859-- . 4 v. (A-D).

Record of proceedings in insanity cases, showing date of hearing, names of petitioner, alleged insane person, judge, witnesses, clerk, physician, and members of examining commission, reports of physician and commission, and orders of court. Also contains Record of Findings and Orders, Feeble-minded, 1859-1914, entry 127. Arr. by date of hearing. Indexed alph. by name of alleged insane person. Hdw. on pr. fm. 360 p. 17 x 11 x 1½. Common vlt., 1st fl.

127. Record of Findings and Orders, Feeble-minded, 1915-- . 2 v. (1, 1). 1859-1914 in Insanity Record, entry 126.

Record of proceedings in feeble-minded cases, showing names of petitioner, patient, examining physician, judge, and jurors, dates of petition, hearing, examination, and issue and return of summons, physician's report, and court orders. Arr. by date of hearing. 1915-23, no index; 1924-- , indexed alph. by name of alleged feeble-minded person. Hdw. on pr. fm. 418 p. 18 x 12 x 1½. Common vlt., 1st fl.

128. (Adoption Papers), 1874-- . In (Miscellaneous Files), entry 85. Papers in adoption cases, including petitions, affidavits, investigation reports and court orders. 1874-98, hdw. and hdw. on pr. fm.; 1899-- , typed, and typed on pr. fm.

129. (Dependent and Delinquent Children), 1896-- . 6 f.b. (A32, A33, A45, A75, A104, A142). 1873-95 in Common Law Files, entry 118.

Original papers filed in delinquent and dependent cases, including petitions, affidavits, complaints, investigation reports, and court orders; includes some papers filed in feeble-minded cases, 1896-- , and deaf and dumb cases, 1901-- . Arr. by date of filing. For index, see entry 1. Hdw., typed, and hdw. and typed on pr. fm. 11 x 4½ x 13. Common vlt., 1st fl.

For other papers in feeble-minded cases, 1859-- , see entry 125.

DOCKETS

Court Dockets

130. Judge's Docket (Pending Cases), 1920-- . 1 v. (7).

Judge's docket of pending civil and criminal cases, showing dates of filing suit and hearing, names of plaintiff, defendant, attorneys, and judge, nature of action, and orders of previous term of court. Arr. by date of hearing. No index. Hdw. under pr. hdgs. 400 p. 20 x 14 x 3. Off. of co. judge, 1st fl.

131. Transfer Binder, Common Law, 1920-- . 2 v. 1872-1919 in Judge's Docket, entry 133.

Docket of closed common law cases, showing date of filing suit, names of plaintiff, defendant, attorneys, and judge, type of case, and abstract of proceedings. Arr. by date of filing of suit. No index. Hdw. under pr. hdgs. 500 p. 20 x 14 x 4. Co. clk.'s off., 1st fl.

132. Transfer Binder, Criminal, 1920--. 1 v. 1872-1919 in Judge's Docket, entry 133.

Docket of closed criminal cases, showing date of filing suit, names of plaintiff, defendant, and attorneys, nature of action, and abstract of proceedings. Arr. by date of filing suit. No index. Hdw. under pr. hdgs. 400 p. 20 x 14 x 3. Co. clk.'s off., 1st fl.

133. Judge's Docket, 1872-1919. 6 v. (1-6).

Judge's docket of closed common law and criminal cases, showing names of plaintiff, defendant, attorneys, and judge, date of filing suit, nature of action, and abstract of proceedings. Transfer Binder, Common Law, entry 131, and Transfer Binder - Criminal, entry 132, subsequently kept separately. Arr. by date of filing suit. No index. Hdw. under pr. hdgs. 320 p. 17 x 11 x 3. Common vlt., bsmt.

134. Judgment and Execution Docket, 1923--. 1 v. (2).

Docket of judgments and executions, showing date and number of execution, kind of action, names of plaintiff and defendant, date and amount of judgment, date and notation of satisfaction, amounts of fees earned and received, and dates of payment and sheriff's return. Judgment Docket, entry 135, and Execution Docket, entry 136, formerly kept separately. Arr. by date of judgment. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 p. 17 x 11 x 3. Co. clk.'s off., 1st fl.

135. Judgment Docket, 1872-1922. 1 v. 1923-- in Judgment and Execution Docket, entry 134.

Docket of judgments entered, showing names of plaintiff and defendant, nature of judgment, amounts of costs, debt, and damages, volume and page of record and fee books, date of judgment, and date and notation of satisfaction. Arr. alph. by name of person against whom judgment is entered. No index. Hdw. under pr. hdgs. 275 p. 17 x 11 x 3. Co. clk.'s off., 1st fl.

136. Execution Docket, 1872-1922. 1 v. 1923-- in Judgment and Execution Docket, entry 134.

Docket of executions, showing names of plaintiff and defendant, amounts of debts, damages, costs, and judgment, fee book and page of entry, and dates of execution and sheriff's return. Arr. by date of execution. No index. Hdw. under pr. hdgs. 200 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

137. Judge's Docket of Insane Cases, 1893--. 3 v. (1 not numbered, 1, 2).

Docket of insanity cases, showing case number, names of alleged insane person, petitioners, witnesses, and attorneys, dates of petition and hearing, abstract of proceedings, names and signatures of medical examiners and jurors. Arr. by date of petition. Indexed alph. by name of alleged insane person. Hdw. under pr. hdgs. 400 p. 18 x 15 x 2. 1 v. not numbered, v. 1, 1893-1926, common vlt., bsmt.; v. 2, 1927-- off. of co. judge, 1st fl.

138. Docket of Fines, 1872-92. 1 v.

List of fines assessed in county court cases, showing date and amount of fines, amount of court costs, name of defendant, nature of charge, dates of arrest, indictment, and judgment, volume and page of record

and fee book, and sheriff's return. Arr. by date of fine. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 200 p. 15 x 12 x 1½. Co. clk.'s off., 1st fl.

139. Bar Docket, 1876-81. 1 v.

Docket of county court cases, showing case number, names of plaintiff, defendant, and attorneys, and date set for hearing. Arr. by date set for hearing. No index. Hdw. 240 p. 18 x 12 x 1. Co. clk.'s vlt., 1st fl.

Justices' Dockets

140. Justice Docket, 1881-1900. 1 v.

Docket of cases in justice of peace courts, showing names of plaintiff, defendant, and justice, nature of action, abstract of proceedings, and date of hearing. Arr. by date of hearing. No index. Hdw. under pr. hdgs. Common vlt., bsmt.

FEE BOOKS

141. Fee Books (Civil), 1873--. 5 v. (1-5).

Register of fees charged, collected, and disbursed in common law cases, showing names of plaintiff and defendant, and dates, amounts, and purposes of receipts and disbursements. Also contains Fee Book - Criminal, 1873, entry 142, and Insanity Miscellaneous Fee Book, 1873-93, entry 143. Arr. by date of initial fee. Indexed alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 580 p. 18 x 12 x 2½. V. 1-3, 1873-88, common vlt., bsmt.; v. 5, 1889--, co. clk.'s off., 1st fl.

142. Fee Book - Criminal, 1874--. 5 v. (2-6). 1873 in Fee Book (Civil), entry 141.

Register of fees charged and collected in criminal cases, showing names of plaintiff and defendant, date, amount, and purpose of fee, and date of payment. Arr. by date of initial fee. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 575 p. 17 x 11 x 3. V. 2-4, 1874-1911, common vlt., 1st fl.; v. 5, 6, 1912--, co. clk.'s off., 1st fl.

143. Insanity Miscellaneous Fee Book, 1894--. 3 v. (A, 1894-1915; 1, 2, 1911--). Title varies: Fee Book, v. A, 1894-1915. 1873-93 in Fee Book, (Civil), entry 141.

Register of fees charged and collected in insanity, adoption, dependent, and delinquent cases, showing nature of case, date, amount, and purpose of fee, names of alleged insane person, dependent, delinquent, or ward, and date of payment. Arr. by date of initial fee. Indexed alph. by name of principal. Hdw. under pr. hdgs. 315 p. 18 x 12 x 2½. Co. clk.'s off., 1st fl.

REPORTS TO COURT
(See also entries 85[v], 315)

144. (Reports of State's Attorney), 1904--. 1904-8 in (Miscellaneous Files), entry 85; 1909-- in Proceedings of Board of Supervisors, entry 2.

Reports of state's attorney to county court, showing name of defendant, date of court term, amount of fine, total amounts of fine collection and commission earnings, and dates of report and filing. Typed.

BONDS

(See also entries 118, 122)

- 145. Recognizance Record, 1872--.** 2 v. (1 not numbered, 1).
Missing: 1882-1918.

Copies of recognizance bonds, showing names of judge, defendant, and sureties, date, amount, and obligations of bond, date of filing, and place and date set for hearing of case. Also contains Bail Bond Record, 1920--, entry 146. Arr. by date of filing. Indexed alph. by name of defendant. Hdw. on pr. fm. 600 p. 12 x 15 x 2½. 1 v. not numbered, 1872-81, common vlt., 1st fl.; v. 1, 1919--, off. of co. judge, 1st fl.

- 146. Bail Bond Record, 1917-19.** 1 v. 1920-- in Recognizance Record, entry 145.

Copies of bail bonds, showing names of defendant and sureties, nature of crime, date and amount of bond, value and legal description of property scheduled as surety for appearance, dates of filing and approval, and signature of judge. Arr. by date of filing. Indexed alph. by name of defendant. Hdw. on pr. fm. 290 p. 18 x 12 x 2½. Co. clk.'s off., 1st fl.

PROBATION

(See also entry 123)

- 147. (Probation Record), 1939--.** 1 v.

Record of probation cases, showing name, address, age, and sex of probationer, personal statistics, history of case, date of court order placing person on probation, term of probationary period, findings and report of probation officer, and court action. These loose-leaf pages are kept only for duration of probationary period and then turned over to court to become part of case files. Arr. by date of court order placing person on probation. No index. Hdw. and typed on pr. fm. 100 p. 8 x 12 x 1. Residence of probation officer, 1st fl., Litchfield, Illinois.

NATURALIZATION

(See also entry 223)

- 148. Naturalization Record, 1862-1906.** 4 v. (A-D).

Copies of naturalization declarations of intention, petitions, and final certificates, showing dates of each, names of alien, witnesses, clerk, and native land, details of petition and declaration of intention, oath of allegiance, and court order granting citizenship. Also contains Naturalization Record (Minors), 1866-87, 1899-1906, entry 149, and Naturalization Record of Soldiers, 1885-1906, entry 150. Arr. by date of final certificate. Indexed alph. by name of alien. Hdw. on pr. fm. 575 p. 15 x 12 x 3. Common vlt., 1st fl.

- 149. Naturalization Record (Minors), 1888-98.** 1 v. 1866-87, 1899-1906, in Naturalization Record, entry 148.

Copies of minors' naturalization declarations of intentions, petitions, and final certificates, showing dates of each, names of minor, witnesses,

judge, and native land, date and mode of arrival, oath of renunciation of allegiance to foreign power, oath of allegiance, and order of court granting citizenship. Arr. by date of final certificate. Indexed alph. by name of alien. Hdw. on pr. fm. 250 p. 18 x 12 x 1½. Common vlt., 1st fl.

150. Naturalization Record of Soldiers, 1865-84. 1 v. 1885-1906 in Naturalization Record, entry 148.

Naturalization record of discharged soldiers, showing date, names of judge, clerk, soldier, and native land, renunciation of allegiance to any foreign power, oath of allegiance, and order of court granting citizenship. Arr. by date of court order. Indexed alph. by name of alien. Hdw. on pr. fm. 220 p. 18 x 12 x 1. Common vlt., 1st fl.

151. Naturalization Docket, 1869-1906. 1 v.

Docket of declarations of intention and petitions for naturalization, showing names of alien and witnesses, nationality of alien, date of hearing, and notations of court orders. Also contains Naturalization Docket (Final), 1869-82, entry 152. Arr. by date of hearing. Indexed alph. by name of alien. Hdw. under pr. hdgs. 500 p. 16 x 12 x 3. Common vlt., 1st fl.

152. Naturalization Docket (Final), 1883-1906. 1 v. 1869-82 in Naturalization Docket, entry 151.

Docket of petitions for final certificates of naturalization, showing date of hearing, names of alien, judge, and clerk, abstract of proceedings, and notations of court orders. Arr. by date of hearing. Indexed alph. by name of alien. Hdw. under pr. hdgs. 110 p. 14 x 10 x ½. Common vlt., 1st fl.

V. PROBATE COURT

Jurisdiction in probate matters in Montgomery County was vested in a separate probate court from 1821 to 1849. The judge of probate was appointed by the General Assembly and held office during good behavior.¹ In 1837 it was provided that the probate court be held in each county by a probate justice of the peace who was elected by the county electorate for a four-year term;² the term was reduced in 1847 to two years.³ The jurisdiction of the probate court was transferred to the newly created county court in 1849.⁴ The Montgomery county court has retained probate jurisdiction from that date to the present.⁵

As enunciated by the present constitution and the enabling legislation the jurisdiction of the court extends to all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators and settlements of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for payment of debts.⁶ The court has power to impanel a jury for the trial of issues or matters of fact in any of these proceedings before it.⁷

Aiding the court in its jurisdiction over the administration of intestate estates and the guardianship of minors, are, respectively, the public administrator and the public guardian. Each officer is appointed quadrennially by the Governor with the advice and consent of the Senate. The public administrator and public guardian are required to enter into bonds set and approved by the probate court in sums not less than \$5,000.⁸ Their duties are performed under the direction and orders of the court. The records that result from their prescribed duties appear among the records of the court with those of other administrators, executors, and guardians.

When there is no relative or creditor who will administer an intestate estate, the court commits the administration to the public administrator upon application of any person interested in the deceased estate.⁹ If a widow, next of kin, or creditor of the deceased appears within six months after the administration is granted to the public administrator, the court then revokes its grant of administration to the public administrator and orders letters of administration granted to such person interested in the estate. If, after all debts and charges against the estate which have been presented within two years after the administration of the estate was committed to such public administrator are fully paid, any balance of the intestate estate remains, the administrator causes a notice to be published requiring persons still having claims against the estate to present them

1. **L. 1821**, p. 119; **L. 1823**, p. 132; **L. 1825**, p. 87.
2. **L. 1836-37**, p. 176. The first justice was elected for a two-year term, the four-year term becoming effective in 1839.
3. **L. 1845**, p. 28 (Effective in 1847).
4. Constitution of 1848, Art. V, sec. 16, 18; **L. 1849**, p. 65.
5. Constitution of 1848, Art. V, sec. 16, 18; **L. 1849**, p. 65; Constitution of 1870, Art. VI, sec. 16; **R. S. 1874**, p. 339, 340; **L. 1933**, p. 449, 458.
6. Constitution of 1870, Art. VI, sec. 20; **L. 1877**, p. 80.
7. **R. S. 1845**, p. 425; **L. 1933**, p. 460.
8. **L. 1825**, p. 70-72; **R. L. 1829**, p. 208; **R. L. 1833**, p. 627, 628; **R. S. 1845**, p. 548; **L. 1871-72**, p. 89; **L. 1881**, p. 3; **L. 1889**, p. 165.
9. **R. L. 1833**, p. 628; **R. S. 1845**, p. 548; **L. 1871-72**, p. 89.

to the county court within six months. If no claims are presented, the balance is paid into the county treasury, upon the expiration of the six-month period, the county remaining answerable to any future claims.¹⁰

As already noted, the court has authority to appoint guardians of minor heirs of deceased persons. In cases where the minor is under fourteen years of age the court appoints his guardian. When the minor is over fourteen he may nominate his own guardian, subject to the approval of the court.¹¹ Under the direction of the court, the guardian is responsible for the custody, nurture, and tuition of his ward and the care and management of his estate. The court may assign the guardianship of the estate to one guardian and the custody and tuition of the ward to another.¹² Within sixty days after his appointment, the guardian returns to the probate court a complete inventory of the real and personal estate of the ward in the form prescribed by law.¹³ At the end of the first year of his appointment, and every three years thereafter, he makes a settlement of his accounts. When his trust is completed or upon the death of the ward, the guardian makes final settlement and delivers over to persons entitled to them, the property and papers in his hands as guardian.¹⁴ Upon failure of a guardian appointed by the court to act within three months in this capacity, the court commits the guardianship of the minor to the public guardian.¹⁵ The latter's records appear with those of other guardians.

The early probate judge, 1821 to 1837, and the probate justice of the peace, 1837 to 1849, each performed the ministerial function of the probate clerk.¹⁶ From the creation of the county court in 1849, until the present, the county clerk has served as ex-officio probate clerk.¹⁷ The clerk is required to attend the sessions of court, issue all process, preserve all files and papers, make, keep, and preserve complete records of all proceedings and determinations of the court, and perform all other duties pertaining to his office as required by law or rules and orders of his court. He is required to enter of record all judgments, decrees, and orders of the court.¹⁸ In the performance of these duties he may, when necessary, appoint deputies for whose acts he is responsible.¹⁹

The major records of the probate court kept by the clerk are the following:

1. Journal of all judicial proceedings and determinations

10. **R. S. 1845**, p. 549; **L. 1871-72**, p. 89, 90.
11. **R. S. 1845**, p. 265, 266; **L. 1873-74**, p. 107; **L. 1919**, p. 583; **L. 1931**, p. 618; **L. 1937**, p. 660.
12. **L. 1871-72**, p. 469; **L. 1877**, p. 114.
13. **L. 1923**, p. 644.
14. **L. 1871-72**, p. 471; **L. 1919**, p. 583; **L. 1923**, p. 506.
15. **L. 1823**, p. 165.
16. **L. 1821**, p. 119, 129; **R. L. 1829**, p. 215; **L. 1831**, p. 132; **L. 1837**, p. 177, 178; **R. S. 1845**, p. 427, 428.
17. Constitution of 1848, Art. V, sec. 16, 18; **L. 1319**, p. 63-65; **R. S. 1374**, p. 339, 340.
18. **L. 1877**, p. 82.
19. *Ibid.*

of the judge.

2. A judgment docket with a direct and an indirect index: former, by name of claimant against estate; latter, by estate. In practice, the requirement of two indexes often leads to two dockets.
3. Books for recordation of bonds and letters of administrators, executors, guardians, and conservators; appraisement and sale bills; widows' relinquishment and selection of property; wills and their probate; annual and final reports of administrators, executors, guardians, and conservators. Generally, each category of these probate business matters is recorded separately, but the segregation is not always carefully maintained.
4. Separate dockets of unsettled estates and claims against estates, and a ledger of the accounts of executors, administrators, and guardians. Note that the dockets of probate business matters are separated from dockets of court proceedings, just as are the books of recordation of the two categories; the intention of the law to make this distinction is further shown in its granting the clerk, during vacation of the court, power to receive petitions, accept bonds, grant letters testamentary, etc.
5. Files of original documents not subject to recordation; indexes to such; records of office transactions in pursuance of the court's orders to the clerk, necessary in the latter's settlement with that body.²⁰

PROCEEDINGS OF COURT

General Proceedings

153. Guardians' and Conservators' Index to Files, 1821--. 1 v. Index to guardians' and conservators' papers in Probate Files (Administrators and Executors), 1931--, entry 154, and Guardians' and Conservators' Files, 1821-1930, entry 156, showing names of minor or incompetent and guardian or conservator, and case and file box numbers. Arr. alph. by name of minor or incompetent. Hdw. under pr. hdgs. 150 p. 16 x 8 x 1. Co. clk.'s off., 1st fl.

154. Probate Files (Administrators and Executors), 1821--. 256 f. b. (1-256).

Administrators' and executors' files including petitions, oaths, bonds, letters of administration, wills, proofs of will, accounts current, proofs of heirship, final accounts and reports, inventories, appraisements, sale bills, widows' selections, reports on condition of estates, and court orders. Also contains Guardians' and Conservators' Files, 1931--, entry 156. Arr. by case no. For index to papers filed in settlement of estates of deceased persons, see entry 155; for index to papers filed in administration of estates under guardianship or conservatorship,

20. **L. 1821**, p. 119, 120; **R. L. 1829**, p. 215, 231; **R. L. 1837**, p. 429; **R. S. 1845**, p. 427, 428; **L. 1851**, p. 193; **L. 1859**, p. 92-94; **R. S. 1874**, p. 260-65; **L. 1877**, p. 63; **L. 1933**, p. 293.

1931-- , see entry 153. Hdw., typed, and hdw. and typed on pr. fm. 11 x 5 x 14. Co. clk.' off., 1st fl.

155. Index To Estate Files, 1821--. 2 v. (1, 2).

Index to papers of estates of deceased persons as filed in Probate Files, (Administrators and Executors), entry 154, showing names of estate and administrative officer, and case and file box numbers. Arr. alph. by name of estate. Hdw. under pr. hdgs. 625 p. 18 x 12 x 4. Co. clk.'s off., 1st fl.

156. Guardians' and Conservators' Files, 1821-1930. 73 f. b. (1-73).

1931-- in Probate Files (Administrators' and Executors'), entry 154.

Papers filed in administration of estates under guardianship and conservatorship, including petitions, oaths, bonds, and letters of guardians and conservators, proofs of will, accounts current, proofs of heirship, final accounts and reports, inventories, appraisements, sale bills, widows' selections, reports on condition of estates, claims against estates, and court orders. Arr. by case no. For index, see entry 153. Hdw., typed, and hdw. and typed on pr. fm. 11 x 5 x 14. Common vlt., 1st fl.

157. Probate Journal, 1821--. 47 v. (A-F, A-Z, 1-15). Title varies:

Records of Probate Court, v. A-F, 1821-49.

Record of proceedings of probate court, showing names of petitioner estate heirs, administrative officer, and witnesses, dates of petition, letters, oath, and bond, date of filing, and court orders and decrees. Also contains Record of Claims Allowed, 1821-37, entry 158; Record of Wills, 1821-48, entry 159; Record of Executors' Bonds and Letters, 1821-49, entry 160; Administrators' Records, 1821-49, entry 161; Guardians' Record, 1821-49, entry 162; Miscellaneous Bonds and Letters, 1821-74, entry 163; Bond Record Administrator (Sale of Real Estate), 1821-49, entry 164; Conservators' Record, 1821-49, entry 165; Inventory Record, 1821-58, entry 166, including Guardians' Inventory Record, entry 167; Appraisal Record, 1821-58, entry 168; Insolvent Estate Record, 1821-74, entry 169; Widows' Award and Selection Record, 1821-73, entry 170; Public Sale Record, 1821-57, entry 171, including Report of Private Sale, entry 172; Estate Ledger, 1821-58, entry 173; General Docket (Guardians' Ledger), 1821-58, entry 174; Report Record, 1821-84, entry 175; Guardians' (and Conservators') Report Record, 1821-85, entry 176; Administrators' and Executors' Final Report, 1821-88; entry 177; and Fee Book, Administrator, 1821-60, entry 185, including Guardians' and Conservators' Fee Book, entry 186. Arr. by date of filing. 1821-49, indexed alph. by name of estate; 1850-59, no index; 1860-- , indexed alph. by name of administrative officer. 1850-1903, hdw.; 1904-- , typed. 600 p. 18 x 12 x 3. V. A-F, A-Z, 1-11, 1821-1933, common vlt., 1st fl.; v. 12-15, 1934-- , co. clk.'s off., 1st fl.

158. Record of Claims Allowed, 1838--. 4 v. (2 not numbered, 1838-1908; 1, 2, 1905--). Title varies: Fee Book Claims, 1 v. not numbered, 1838-92; Register of Claims Allowed Against Estates, 1 v. not numbered, 1893-1908. 1821-37 in Probate Journal, entry 157.

Record of claims against estates, showing date, number, amount, and nature of claim, name of claimant, and date of judgment. Arr. by date of claim. Indexed alph. by name of estate. Hdw. under pr.

hdgs. 286-415 p. 18 x 12 x 1 - 3 x 12 x 1½. 1 v. not numbered, 1839-92, common vlt., 1st fl.; 1 v. not numbered, 1893-1908, v. 1, 2, 1905--, co. clk.'s off., 1st fl.

Wills, Bonds, Letters (See also entries 85[xi], 91, 154, 156)

- 159. Record of Wills, 1849--.** 10 v. (A-J). 1821-48 in Probate Journal, entry 157.

Copies of wills, applications to probate wills, and proofs of will, showing name of testator, county clerk, sheriff, administrative officer, county judge, witnesses, and legal heirs, dates of death, hearing, and filing, and provisions of will. Arr. by date of filing. Indexed alph. by name of estate. Hdw. and typed. 570 p. 18 x 12 x 2. V. A-G, 1849-1927, common vlt., 1st fl.; v. H-J, 1928--, co. clk.'s off., 1st fl.

- 160. Record of Executors' Bonds and Letters, 1850--.** 6 v. (A-F). 1821-49 in Probate Journal, entry 157.

Copies of executors' bonds and letters, showing names of estate, judge, executor, and sureties, dates of letters, oath, and bond, amount and obligations of bond, oath of executor, and acknowledgment; includes copies of executors' bonds to sell real estate, 1850-1901. Arr. by date of bond. Indexed alph. by name of estate. Hdw. on pr. fm. 355 p. 17 x 11 x 3. Co. clk.'s off., 1st fl.

- 161. Administrators' Records, 1850--.** 12 v. (A-G, 1, 2, H-J). Title varies: Administrators' Bond, v. A, 1850-57; Record of Administrators' and Guardians' Letters and Bonds, v. B, 1858-66. 1821-49 in Probate Journal, entry 157.

Copies of administrators' petitions, oaths, bonds and letters, showing names of estate, judge, administrator, sureties, and heirs, dates of petition, letters, bond, and oath, amount and obligations of bond, oath of office, and acknowledgment; includes copies of administrators' bonds to sell real estate, 1850-1901. Arr. by date of bond. Indexed alph. by name of estate. Hdw. on pr. fm. 304 - 694 p. 17 x 13 x ½ - 14 x 10 x 2¼. V. A-G, 1, 2, 1850-1916, common vlt., bsmt.; v. H, I, 1917-31, common vlt., 1st fl.; v. J, 1932--, clk.'s off., 1st fl.

- 162. Guardians' Record, 1850--.** 7 v. (1 not lettered, C-H). Missing: 1858-63. Title varies: Guardians' Bond, 1 v. not lettered, 1850-57. 1821-49 in Probate Journal, entry 157.

Copies of guardians' petitions, oaths, bonds, and letters, showing names of estate, guardian, sureties, and clerk, date, amount, and obligations of bond, dates of petition, oath, and letters, and acknowledgment; includes copies of guardians' bonds to sell real estate, 1850-1901. Also contains Conservators' Record, 1850-1904, entry 165. Arr. by date of bond. Indexed alph. by name of estate. Hdw. on pr. fm. 508 p. 17 x 11 x 2. 1 v. not lettered, 1850-57, v. C-G, 1864-1931, common vlt., 1st fl.; v. H, 1932--, co. clk.'s off., 1st fl.

- 163. Miscellaneous Bonds and Letters, 1875--.** 3 v. (A-C). 1821-74 in Probate Journal, entry 157.

Copies of petitions, oaths, bonds, and letters of administrators de bonis non with will annexed, showing names of estate, judge, clerk, heirs, administrator, and sureties, dates of petition, oath, letters, and bond, amount and obligations of bond, oath of office, and court order of ap-

pointment. Arr. by date of bond. Indexed alph. by name of estate. Hdw. on pr. fm. 425 p. 17 x 11 x 1½. Co. clk.'s off., 1st fl.

- 164. Bond Record Administrator** (Sale of Real Estate), 1902--. 2 v. (1, 2). 1821-49 in Probate Journal, entry 157.

Copies of administrators', executors', guardians', and conservators' bonds to sell real estate, showing date, amount, and obligations of bond, names of estate, administrative officer, and sureties, acknowledgment, and dates of filing and recording. Arr. by date of recording. Indexed alph. by name of estate. Hdw. on pr. fm. 304 p. 17 x 13 x 1½. V. 1, 1902-28, common vlt., 1st. fl.; v. 2, 1929--, co. clk.'s off., 1st fl.

For other copies of administrators', executors', guardians', and conservators' bonds to sell real estate, see entries, 160-162.

- 165. Conservators' Record**, 1905--. 2 v. (A, B). 1821-49 in Probate Journal, entry 157; 1850-1904 in Guardians' Record, entry 162.

Copies of conservators' petitions, oaths, letters, and bonds, showing names of petitioner, incompetent, witnesses, judge, and sureties, dates of letters, bond, and petition, amount and obligation of bond, and oath of conservator. Arr. by date of bond. Indexed alph. by name of estate. Hdw. on pr. fm. 292 p. 16 x 12 x 1½. V. A, 1905-21, common vlt., 1st fl.; v. B, 1922--, co. clk.'s off., 1st. fl.

Inventories and Appraisements (See also entries 154, 156)

- 166. Inventory Record**, 1859--. 15 v. (A-O). 1821-58 in Probate Journal, entry 157.

Record of administrators', executors', and conservators' inventories, showing date, names of estate, judge, and administrative officer, list and value of real and personal property, status of notes on accounts, oath and signature of administrative officer, court approval, and date of filing. Also contains Guardians' Inventory Record, 1859-73, entry 167. Arr. by date of filing. Indexed alph. by name of estate. Hdw. on pr. fm. 600 p. 17 x 11 x 1½. V. A-L, 1859-1926, common vlt., 1st fl.; v. M-O, 1927--, co. clk.'s off., 1st fl.

- 167. Guardians' Inventory Record**, 1874--. 3 v. (A-C). 1821-58 in Probate Journal, entry 157; 1859-73 in Inventory Record, entry 166.

Record of inventories of estates under guardianship, showing names of estate, judge, guardian, and minor, legal description and value of real estate, probable rental, list and value of personal property, list of annuities and credits, oath of guardian, and dates of recording and filing. Arr. by date of recording. Indexed alph. by name of minor. Hdw. on pr. fm. 560 p. 17 x 11 x 2. V. A, B, 1874-1935, common vlt., 1st fl.; v. C, 1936--, co. clk.'s off., 1st fl.

- 168. Appraisement Record**, 1859--. 13 v. (A-M). 1821-58 in Probate Journal, entry 157.

Record of appraisements of estates in probate, showing names of estate, appraiser, and heirs, court order appointing appraiser, date of oath, itemized statement and value of real and personal property, total value, amount allowed widow and minor children, dates of report, approval, and filing, and acknowledgment. Arr. by date of filing.

Indexed alph. by name of estate. Hdw. on pr. fm. 285 p. 18 x 12 x 2. V. A-H, 1859-1911, common vlt., 1st fl.; v. I-M, 1912--., co. clk.'s off., 1st fl.

- 169. Insolvent Estate Record, 1875--.** 1 v. (A). 1821-74 in Probate Journal, entry 157.

Record of estates found insolvent, showing date of administrative officer's report, names of estate, administrative officer, and heirs, amounts of assets and liabilities, inventory of personal property, amount paid widow, and court approval of report. Arr. by date of report. Indexed alph. by name of estate. Hdw. on pr. fm. 250 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

Widows' Relinquishment

and Selection (See also entries 154, 156, 168, 169)

- 170. Widows' Award and Selection Record, 1874--.** 5 v. (A-E). 1821-73 in Probate Journal, entry 157.

Record of widows' relinquishment, selections, and awards from decedents' estates, showing names of estate, widow, and appraiser, list of items selected, relinquished, and allowed, appraised value, appraisement bill for personal property, statement of appraiser, and date of filing. Arr. by date of filing. Indexed alph. by name of estate. Hdw. on pr. fm. 290 p. 17 x 11 x 1½. V. A-D, 1874-1925, common vlt., 1st fl.; v. E, 1926--., co. clk.'s off., 1st fl.

Reports of Sale

- 171. Public Sale Record, 1858--.** 7 v. (A-G). 1821-57 in Probate Journal, entry 157.

Copies of reports of sales of property in settlement of estates, showing names of estate, petitioner, judge, clerk, and purchaser, dates of report, petition, and sale, legal description, and value of real estate, list and value of personal property, amount of sale, amount disbursed in settlement of claims, and balance available. Also contains Report of Private Sale, 1858-1922, entry 172. Arr. by date of report. Indexed alph. by name of estate. Hdw. on pr. fm. 304 p. 17 x 11 x 2½. Co. clk.'s off., 1st fl.

- 172. Report of Private Sale, 1923--.** 1 v. (F). 1821-57 in Probate Journal, entry 157; 1858-1922 in Public Sale Record, entry 171.

Copies of reports of private sales of personal property in settlement of estates, showing names of estate, petitioner, judge, clerk, and purchaser, dates of report, petition, and sale, list and description of property, and amount of sale. Arr. by date of report. Indexed alph. by name of estate. Hdw. on pr. fm. 420 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

Reports, Current and

Final Accounts (See also entries 154, 156)

- 173. Estate Ledger, 1859--.** 7 v. (1 not lettered, B-G). Title varies: Account Current - Administrator, 1 v., 1859-67. 1821-58 in Probate Journal, entry 157.

Ledger accounts of receipts and expenditures in settlement of estates, showing date of report, names of estate, administrative officer, and heirs, dates, amounts, and purposes of receipts or expenditures, recapitulation of accounts, notation of court order of approval, and balance

available. Arr. by date of report. Indexed alph. by name of estate. Hdw. under pr. hdgs. 293 p. 17 x 11 x 2. 1 v. not lettered, v. B-F, 1859-1927, common vlt., 1st fl.; v. G, 1928--., co. clk.'s off., 1st fl.

174. **General Docket** (Guardians' Ledger), 1859--. 4 v. (A-D). Title varies: Account Current, v. A, 1859-68; Guardians' Ledger, v. B, C, 1869-1919. 1821-58 in Probate Journal, entry 157.

Ledger of guardians' accounts of receipts and disbursements in settlement of estates under guardianship, showing names of estate, guardian, and minor heirs, dates, amounts, and purpose of receipts and disbursements, recapitulation of accounts, balance available, and date of entry. Arr. by date of entry. Indexed alph. by name of minor. Hdw. under pr. hdgs. 590 p. 17 x 11 x 2. Co. clk.'s off., 1st fl.

175. **Report Record**, 1885--. 5 v. (A-D, D2). 1821-84 in Probate Journal, entry 157.

Copies of reports of administrators and executors, showing names of estate, petitioner, and heirs, dates of petition and letters, dates, amounts, and purposes of receipts and expenditures, signatures of heirs and agent, recapitulation of accounts, and date of filing. Arr. by date of filing. Indexed alph. by name of estate. Hdw. on pr. fm. 367 p. 17 x 11 x 2. V. A, B, 1885-1914, common vlt., 1st fl.; v. C, D, D2, 1915--., co. clk.'s off., 1st fl.

176. **Guardians' (and Conservators') Report Record**, 1886--. 10 v. (A-J). 1821-85 in Probate Journal, entry 157.

Copies of guardians' and conservators' reports, showing names of minor or alleged incompetent, and guardian or conservator, date of report, dates, amounts, and purposes of receipts and expenditures, and recapitulation of accounts. Arr. by date of report. Indexed alph. by name of estate. Hdw. on pr. fm. 450 p. 17 x 11 x 2. V. A-G, 1886-1924, common vlt., 1st fl.; v. H-J, 1925--., co. clk.'s off., 1st fl.

177. **Administrators' and Executors' Final Report**, 1889--. 11 v. (B-E, G-M). 1821-88 in Probate Journal, entry 157.

Final report record of administrators and executors, showing names of estate, heirs, and administrative officer, dates, amounts, and purposes of receipts and disbursements, total receipts and disbursements, balance to be divided among heirs, signatures of administrative officer and judge, and dates of acknowledgment and filing. Arr. by date of filing. Indexed alph. by name of estate. Hdw. on pr. fm. 500 p. 18 x 12 x 3. V. B-E, G-K, 1889-1937, common vlt., 1st fl.; v. L, M, 1938--., co. clk.'s off., 1st fl.

DOCKETS

178. **Probate Judge's Blotter**, 1850--. 23 v. (4 not labeled, G, 1 not labeled, R-Z, 1-8). Missing: 1874-77; 1882-85. Title varies: Probate Docket, 1 v. not labeled, v. G, 1864-73; v. U-Z, 1898-1912.

Judge's docket of probate cases, showing names of estate, administrative officer, attorneys, witnesses, judge, and clerk, nature of action, date of court term, and dates and notations of court orders. Current entries made in this docket are for cases instituted prior to 1919 and

still unsettled. Arr. by date of court term. Indexed alph. by name of estate. Hdw. 200 - 400 p. 16 x 12 x 1 -18 x 12 x 3. 4 v. not labeled. v. G, 1 not labeled, R-T, 1850-97, common vlt., 1st fl.; v. U-Z, 1-5, 1898-1926, common vlt., bsmt.; v. 6-8, 1927--, co. clk.'s off., 1st fl.

For dockets of cases instituted subsequent to 1918, see entries 179, 180.

179. Transfer Binder (Probate), 1919--. 2 v.

Judge's docket of closed probate cases, showing names of estate, administrative officer, heirs, attorneys, witnesses, judge, and clerk, type of action, case number, date of court term, and abstract of proceedings. Insertions are made into this loose-leaf docket from Judge's Docket in Probate (Pending Cases), entry 180, upon settlement of estate. Arr. by date of court term. No index. Hdw. under pr. hdgs. 600 p. 12 x 10 x 6. Co. clk.'s off., 1st fl.

For docket of cases settled prior to 1919, see entry 178.

180. Judge's Docket In Probate (Pending Cases), 1930--. 1 v.

Judge's docket of pending probate cases, showing names of estate, administrative officer, heirs, attorneys, case number, date of court term, and dates and notations of court orders. This docket is loose-leaf and upon settlement of estate pages are inserted into Transfer Binder (Probate), entry 179. Arr. by date of court term. No index. Hdw. under pr. hdgs. 600 p. 12 x 10 x 6. Co. judge's off., 1st fl.

For docket of unsettled cases instituted prior to 1919, see entry 178.

181. Probate Estate Docket, 1861--. 8 v. (A-H).

Docket of court proceedings on estates in probate, showing names of estate and administrative officer, date of filing will, dates of petition, bond, letters, inventory, appraisement, sales, and reports, and dates and notation of court orders. Arr. by date of filing will. Indexed alph. by name of estate. Hdw. under pr. hdgs. 270 p. 17 x 12 x 2. V. A-F, 1861-1927, common vlt., 1st fl.; v. G-H, 1928--, co. clk.'s off., 1st fl.

182. Probate Judgment Docket, 1859--. 13 v. (A-M).

Docket of judgments on claims against estates, showing names of claimant and estate, date, amount, number, and nature of claim, memoranda as to summonses and notices, and date and amount of judgment. Arr. by date of judgment. For index, 1859-1909, see entry 183; 1910--, indexed alph. by name of claimant. Hdw. under pr. hdgs. 319 p. 18 x 12 x 2. V. A-J, 1859-1915, common vlt., 1st fl.; v. K-M, 1916--, co. clk.'s off., 1st fl.

183. Index To Probate Judgment Docket, 1859-1909. 2 v. (A, B).

Index to Probate Judgment Docket, entry 182, showing names of claimant and estate, and book and page of entry. Arr. alph. by name of claimant. Hdw. under pr. hdgs. 200 p. 18 x 12 x 1½. Common vlt., 1st fl.

184. Judge's Docket of Unsettled Estates, 1875-99. 1 v.

Docket of unsettled estates, showing names of estate, administrative officer, heirs, and sureties, date, amount, and obligations of bond, date and amount of sale bill, and date of entry. Arr. by date of entry. Indexed alph. by name of estate. Hdw. under pr. hdgs. 250 p. 17 x 11 x 1½. Common vlt., 1st fl.

FEE BOOKS

185. **Fee Book, Administrator, 1861--.** 15 v. (A-D, G-Q). 1821-60 in Probate Journal, entry 157.

Register of fees charged, collected, and disbursed in administration of estates of deceased persons, showing names of estate and administrative officer, date, amount, and purpose of fee, and date and amount of payment. Also contains Guardians' and Conservators' Fee Book, 1861-63, entry 186. Arr. by date of initial fee. Indexed alph. by name of estate. Hdw. under pr. hdgs. 576 p. 17 x 11 x 2. V. A-D, 1861-91, common vlt., 1st fl.; v. G-Q, 1892--, co. clk.'s off., 1st fl.

186. **Guardians' and Conservators' Fee Book, 1864--.** 5 v. (B, E-G). 1821-60 in Probate Journal, entry 157; 1861-63 in Fee Book, Administrator, entry 185.

Register of fees charged, collected, and disbursed in estates under guardianship and conservatorship, showing names of estate, guardian or conservator, and incompetent, date, amount, and purpose of fee, and date and amount of payment. Arr. by date of initial fee. Indexed alph. by name of guardian or conservator. Hdw. under pr. hdgs. 575 p. 18 x 12 x 2. Co. clk.'s off., 1st fl.

VI. CIRCUIT COURT

The circuit court has original jurisdiction of all causes in law and equity and acts as a court of appeals in probate matters and causes cognizable by the county court and justices of the peace.¹ In addition, it is one of the courts capable of having naturalization jurisdiction according to Federal Statutes.²

Originally, the circuit court was held in Montgomery County by justices of the Supreme Court. Later, provision was made for the appointment, by both branches of the General Assembly, of separate circuit court judges to hold office during good behavior.³ An act of 1827 repealed this provision and provided that circuit courts again be held by Supreme Court justices.⁴ In 1835 the judiciary was re-organized, and a circuit judge was appointed by the General Assembly for the district serving Montgomery County. All of the laws requiring Supreme Court justices to hold circuit court were repealed by this legislation.⁵ The new plan of organization was in effect for a brief period of six years, for in 1841 additional associate justices of the Supreme Court were appointed by joint ballot of the General Assembly, which justices, together with the other justices of the Supreme Court, held the circuit courts.⁶ Then in 1849 another change was made in accordance with the second constitution which provided for the election of circuit judges by the judicial district electorate.⁷ The Constitution of 1870 altered the circuit districts and established population requirements for counties that may comprise a circuit.⁸ From 1849 to the present the circuit judges have been elected officers of the judicial district electorate. The fourth circuit is made up of nine counties, one of which is Montgomery.⁹

Three circuit judges, who serve for six-year terms, are elected for the district. Before entering upon the duties of his office, each circuit judge is required to subscribe to an oath which is filed with the Secretary of State.¹⁰ The salary for those circuit judges elected after the first Monday of June, 1933, is set at \$7,200, and for those elected after the first Monday of June, 1939, the amount is increased to \$8,000. The salaries are paid from the state treasury.¹¹

1. Constitution of 1870, Art. VI, sec. 12; **L. 1871-72**, p. 109; **R. S. 1874**, p. 344; **L. 1895**, p. 189; **L. 1933**, p. 688; **L. 1935**, p. 1.
2. 2 U. S. Stat. L. 135; **U. S. R. S. 1789-1874**, p. 378-80; 34 U. S. Stat. L. 596; 37 U. S. Stat. L. 737; 44 U. S. Stat. L. 709.
3. Constitution of 1818, Art. IV, sec. 4; **L. 1819**, p. 378; **R. L. 1829**, p. 48.
4. **L. 1824**, p. 41.
5. **R. L. 1827**, p. 118.
6. **L. 1835**, p. 150, 151.
7. **L. 1841**, p. 173; **R. S. 1845**, p. 143.
8. Constitution of 1848, Art. V, sec. 7, 15.
9. Constitution of 1870, Art. VI, sec. 13.
10. **L. 1933**, p. 435.
11. Constitution of 1870, Art. VI, sec. 12; **L. 1933**, p. 436.
12. **L. 1933**, p. 621; **L. 1937**, p. 189, 606. In 1835 the salary of the circuit judge was \$750 per annum (**L. 1835**, p. 167). The Constitution of 1870 set the salary at \$3,000 until otherwise provided by law (Constitution of 1870, Art. VI, sec. 16). A few of the recent changes were: from 1919 to 1925, for judges elected during this period, \$6,500; for the period from 1925 to 1933, those elected received \$8,000 per year (**L. 1919**, p. 553, 554; **L. 1925**, p. 400; **L. 1931**, p. 148).

Circuit Court

The hearings of several of the election contests are held before this court. Jurisdiction is granted the court to hear and determine contests of the election of judges of the Supreme Court, judges of the circuit court, and members of the State Board of Equalization; but no judge of the circuit court is allowed to sit upon the hearing of any case in which he is a party.¹³ The circuit court also hears and determines the election contests of some of the local and county offices. These include contests of judge of the county court, mayors of cities, president of the county board, presidents of villages, and elections in reference to removal of county seats and in reference to any other subject which may be submitted to the vote of the people of the county. The circuit court has concurrent jurisdiction with the county court in cases of contested elections under the latter's jurisdiction.¹⁴

Included under the jurisdiction of the circuit court are also appeals from the Illinois Commerce Commission's rules, regulations, orders, or decisions. Such appeals may be taken to the circuit court serving Montgomery County when the subject matter of the hearing is situated in this county. The appeal may be heard for the purpose of having the reasonableness or lawfulness of the rule, regulation, order, or decision inquired into and determined.¹⁵

To expedite the handling of litigation, a branch circuit court may be held at the same time that the main or regular circuit court for Montgomery County is in session. A branch court is held by any circuit judge or by any judge of any other circuit called in for the purpose of hearing and deciding motions and settling the issues in any or all cases pending in the circuit court, and for the purpose of hearing chancery causes and cases at law which are pending in such court for that term. The presiding judge of the main circuit court assigns to the branch court as many of the law and chancery cases as the presiding judge of the branch court will possibly have time to hear.¹⁶

Also, to aid in the speedy administration of justice, the judges, or a majority of them, may, by an order entered of record in the office of the clerk of the circuit court, dispense with either or both the grand and petit juries for any term or part of term of the circuit court, and may designate what term or portion thereof shall be devoted to criminal business, and what term or portion thereof, to civil business.¹⁷

Each of the three judges of the circuit court is authorized to appoint one official shorthand reporter. This appointee is required to be skilled in verbatim reporting and is not allowed to hold more than one such official appointment. The appointment is in writing and is required to be filed in the office of the auditor of public accounts. The reporter holds office until his appointment is revoked by the appointing judge or until the termination of the judge's term. When the official reporter is absent or disabled the presiding judge may appoint any other competent reporter to act during such absence

13. L. 1899, p. 152.

14. L. 1871-72, p. 396; L. 1895, p. 170.

15. L. 1921, p. 742, 743.

16. L. 1873-74, p. 82, 83; L. 1905, p. 146.

17. L. 1835, p. 168; L. 1873-74, p. 81; L. 1933, p. 441, 442.

Circuit Court

or disability. The substitute is paid for his services by the official reporter. The reporter causes full stenographic notes of the evidence in all trials before the court to be taken down and transcript of the same to be correctly made if desired by either party to the suit, their attorneys, or the judge of the court. Each of the reporters receives and is paid out of the state treasury an annual salary of \$3,240. The salaries are paid out monthly on the warrant of the auditor of public accounts.¹⁸

The probation officer for adult probationers is an appointee of the circuit court.¹⁹ His services extend throughout the county. Courts exercising criminal or quasi-criminal jurisdiction are given power to release on probation adult or juvenile offenders found guilty of committing certain specified offenses.²⁰ In the performance of his prescribed duties, the probation officer principally serves the county and circuit courts. He is required to give bond as determined by the circuit court in a sum not exceeding \$5,000 and is subject to the rules of, and removal by, the appointing court.²¹ Montgomery County is allowed one probation officer under the allowance of one for each fifty thousand, or fraction thereof, of population.²²

The probation officer is compensated at a rate determined by the county board. In the performance of his duties, he is required to investigate the cases of defendants requesting probation; notify the court of previous conviction or probation; make reports to the respective courts; keep a set of records as described below; take charge of, and watch over, all persons placed on probation in his county and all probationers moving from another county into his county. He is also required to notify probation officers in other counties of any probationers under his supervision who may move into those counties.²³

The reports made by the probation officer to the courts are kept by the clerks in the respective cases. The courts' probation records include orders granting or refusing release on probation, probationers' bonds, the reports of probation officers noted above, and discharge of probationers.

The probation officer is required to keep complete and accurate records of investigated cases, including descriptions of the investigated persons, the action of the court, and the subsequent history of probationers. These records are open to inspection by any judge or by any probation officer pursuant to a court order, but are not public records.²⁴

Unlike the judges of the circuit court who are elected by the judicial district electorate, the clerk of this court is elected by the county electorate.²⁵ This official performs the ministerial duties of the circuit court of Montgomery County and files and preserves its records as

18. **L. 1933**, p. 464.

19. **L. 1911**, p. 280.

20. *Ibid.*, p. 277, 278.

21. *Ibid.*, p. 280, 281; **L. 1915**, p. 380, 381.

22. **L. 1915**, p. 380.

23. **L. 1911**, p. 281, 282; **L. 1915**, p. 381, 382.

24. **L. 1911**, p. 277-84; **L. 1915**, p. 378-84.

25. Constitution of 1848, Art. V, sec. 7; Constitution of 1870, Art. X, sec. 3.

well as those of the branch circuit court.²⁶ He is commissioned by the Governor and before entering upon the duties of his office, gives bond with sureties which are approved by any two of the judges of the court. His bond is given in the sum of not less than \$5,000 as agreed upon by the judges. The oath to which he subscribes is filed with the Secretary of State.²⁷ If a vacancy occurs in this office and the unexpired term does not exceed one year, the court is required to fill such vacancy by appointment of a clerk pro tempore. The appointee is then required to qualify for office in the same manner as the elected clerk of the circuit court. When the appointment is made, the court notifies the Governor of the filled vacancy. The Governor in turn, as soon as practicable, issues a writ of election for the circuit court clerk.²⁸

The clerk of the circuit court was first appointed by the circuit judge in Montgomery County.²⁹ He kept a record of all the oaths that he administered and certified a copy annually to the Secretary of State.³⁰ The clerk preserved a complete record of all proceedings and determinations of the court of which he was clerk.³¹ At each term of the circuit court, the clerk inquired into the condition of the treatment of prisoners and was required to see that they all were humanely treated.³² This authority was in later years, and is at present, delegated to the circuit court.³³ One of the early requisites of this office was for the clerk of the circuit court to reside near the county seat in order that he could attend to his duties daily. In the event that it was not possible for him to be in daily attendance, the presiding judge was to fill such vacancy.³⁴ The Constitution of 1848 made the clerk of the circuit court an elective officer of the county with a four-year term. This arrangement has continued until the present.³⁵

The clerk is able to perform the several duties of his office with the aid of his staff which consists of assistants and deputy clerks who are appointed by him in a number determined by rule of the circuit court.³⁶ This order is entered as of record, and the compensation of such assistants and deputies is set by the county board.³⁷

Among the records kept by the clerk of the circuit court are the following:³⁸

1. Books of record of the proceedings and judgments of the

26. L. 1905, p. 147.

27. R. S. 1874, p. 260.

28. L. 1873-74, p. 95.

29. Constitution of 1818, Art. IV, sec. 6; R. L. 1833, p. 152; R. S. 1845, p. 146.

30. L. 1819, p. 349.

31. R. L. 1829, p. 44; R. L. 1833, p. 152; R. S. 1845, p. 147.

32. R. L. 1827, p. 248.

33. R. S. 1874, p. 616; L. 1923, p. 423.

34. R. L. 1829, p. 35.

35. Constitution of 1848, Art. V, sec. 29; Constitution of 1870, Art. X, sec. 8.

36. L. 1831, p. 49; Constitution of 1870, Art. X, sec. 9.

37. Constitution of 1870, Art. X, sec. 9.

38. The Civil Practice Act of 1933 grants authority to the circuit courts, subject to rules promulgated by the Supreme Court and not inconsistent with statutory requirements, to make such rules as they may deem expedient, regulating dockets and calendars of said court (L. 1933, p. 786).

- court with alphabetical indexes by parties. Proceedings are recorded at length only in cases designated by law, or when the court at the motion and assumption of expense by one of the parties, so orders. In practice, from an early date the court record has been broken down into segregated types of proceedings and judgments.
2. "Plaintiff-Defendant Index to Court Records" and "Defendant-Plaintiff Index to Court Records," intended to be separate records, but frequently combined in a single volume with the two indexes segregated in each volume.
 3. A general docket in which all suits are entered in the order they are commenced.
 4. A judgment and execution docket containing a column for the entry of satisfaction or other disposition. In practice, an execution docket is frequently set up independently.
 5. Additional dockets, designated as the clerk's, judge's, and bar docket. In practice, the bar docket has tended to drop out of use.
 6. A fee book in which costs and fees are to be entered under the proper title of the case. In practice, separate series of volumes are maintained under such titles of causes.
 7. Transcripts of proceedings in appeals from justices', city, and foreign courts, dockets thereof, and transcripts of judgments for liens, etc., from the former. Separate well-bound books are required to be kept for each city court. These books are to contain an alphabetical docket of all judgment decrees rendered in the city court. They also provide for entry of data relating to the filing of the transcript with the corresponding number of the transcript.³⁹
 8. Naturalization proceedings from petitions to final certificate; Federal Statutes allow the circuit court to exercise jurisdiction.
 9. Reports to the court from its designated masters in chancery, the state's attorney, and the coroner's inquest juries.
 10. Jury venires, summonses, certificates, etc.
 11. Original documents used in court hearings and determinations. These documents are of particular importance because in a large number of cases the complete proceedings are not spread on court record.
 12. Monthly reports of the warden of the county jail, containing a list of all prisoners in his custody, showing causes of commitment and names of persons by whom committed.⁴⁰

39. **R. S. 1874**, p. 347; **L. 1901**, p. 136, 137.

40. **R. L. 1827**, p. 217; **R. S. 1845**, p. 323-26, 414, 418, 419, 518; **L. 1865**, p. 79, 80; **L. 1871-72**, p. 325; **R. S. 1874**, p. 262, 263, 339, 616; **L. 1877**, p. 77; **L. 1895**, p. 217; **L. 1933**, p. 442, 677; 2 U. S. Stat. L. 153-55; **U.S.R.S. 1789-1874**, p. 378 80; 34 U. S. Stat. L. 596-607, 709, 710; 45 U. S. Stat. L. 1514, 1515.

PROCEEDINGS OF COURT

187. Criminal Index, 1881--. 2 v. (1 not labeled, 2).

Index to criminal case papers in Circuit Court Files, entry 191, and Criminal Court Records, entry 194, showing term date, case number, names of plaintiff and defendant, type of action, notations of court orders, book and page of entry, and file box number. Arr. alph. by name of defendant. Hdw. under pr. hdgs. 600 p. 18 x 12 x 2½. Cir. clk.'s off., 1st fl.

For prior criminal index, see entry 190.

188. Index Common Law, 1918--. 2 v. (6 plaintiff; 6 defendant). 1849-1917 in General Index Court Records Plaintiff-Defendant, entry 190.

Index to common law case papers in Circuit Court Files, entry 191, and Court Record, entry 192, showing term date, case number, names of plaintiff and defendant, type of action, notations of court orders, book and page of entry, and file box number. Arr. alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 600 p. 18 x 12 x 2½. Cir. clk.'s off., 1st fl.

189. Index Chancery, Plaintiff-Defendant, 1918--. 2 v. (5 plaintiff; 5 defendant). 1849-1917 in General Index Court Records Plaintiff-Defendant, entry 190.

Index to chancery case papers in Circuit Court Files, entry 191, and Chancery Records, entry 193, showing names of plaintiff and defendant, term date, case number, type of action, book and page of entry, and file box number. Arr. alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 600 p. 18 x 12 x 2½. Cir. clk.'s off., 1st fl.

190. General Index Court Records Plaintiff-Defendant, 1849-1917. 9 v. (A, 1849-65, plaintiff-defendant; 1-4, plaintiff; 1-4, defendant, 1857-1917).

Index to Court Record, entry 192; Chancery Records, entry 193; Criminal Court Records, 1871-80, entry 194; common law and chancery case papers and criminal case papers, 1849-80, in Circuit Court Files, entry 191, showing names of plaintiff and defendant, term date, case number, type of action, notations of court orders, book and page of entry, and file box number. Volumes 1, plaintiff, 1, defendant, 1857-65, are transcriptions of a portion of volume A, plaintiff-defendant, 1849-65. Index Common Law, entry 188, and Index Chancery, Plaintiff-Defendant, entry 189, subsequently kept separately. Arr. alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 600 p. 18 x 12 x 2½. Cir. clk.'s off., 1st fl.

191. Circuit Court Files, 1821--. 2 boxes; 697 f.b. (1-333, 364 not numbered).

Original chancery, criminal, and common law case papers, including indictments, attachments, summonses, subpoenas, pleas, warrants, writs, witness affidavits, depositions, commitments, stipulations, replications, appeals, recognizance, appeal, and bail bonds, instructions to jury, jury verdicts, and court orders. 1821-49, 1905--, arr. by case no.; 1850-1904, arr. by date of filing suit. 1821-48, no index; for index to

criminal case papers, 1849-80, and common law and chancery case papers, 1847-1917, see entry 190; for index to criminal case papers, 1881-- , see entry 187; for index to common law case papers, 1918-- , see entry 188; for index to chancery case papers, 1918-- , see entry 189. Hdw., typed, and hdw. and typed on pr. fm. Boxes 3 x 3 x 6; f.b. 11 x 5 x 14. 2 boxes, 1821-49, attic strm., 4th fl.; f.b. 1-333, 1850-1904, common vlt., 1st fl.; 364 f.b. not numbered, 1905-- , cir. clk.'s off., 1st fl.

192. Court Record, 1821-- . 24 v. (A-E, 1-19).

Record of proceedings in common law cases, showing date, case number, names of plaintiff, defendant, attorneys, judge, clerk, jurors, and witnesses, type of action, and orders and decrees of court. Also contains Chancery Records, 1821-61, entry 193; Criminal Court Records, 1821-70, entry 194; Judgments by Confession, Vacation and Term Time, 1821-1922, entry 196; Transcript from Justice of the Peace, 1821-76, entry 198; Transcript of Judgment (Foreign Counties), 1821-1923, entry 199; and Bond and Recognizance Record, 1821-71, entry 222. Arr. by date of proceedings. Indexed alph. by name of plaintiff; for sep. index, 1849-1917, see entry 190; for sep. index, 1918-- , see entry 188. Hdw. 600 p. 18 x 12 x 2½. Cir. clk.'s off., 1st fl.

193. Chancery Records, 1862-- . 47 v. (1-16, 18-48). 1821-61 in Court Record, entry 192.

Record of chancery cases, including foreclosures, trusteeships, divorce cases, and partition suits, showing names of plaintiff, defendant, and attorneys, date and record of proceedings, and court orders. Arr. by date of proceedings. Indexed alph. by name of plaintiff; for sep. index, 1862-1917, see entry 190; for sep. index, 1918-- , see entry 189. 1862-96, hdw.; 1897-- , typed. 500 p. 18 x 12 x 2. V. 1-16, 18-41, 1862-1932, common vlt., 1st fl.; v. 42-48, 1933-- , cir. clk.'s off., 1st fl.

194. Criminal Court Records, 1871-- . 8 v. (I-P). 1821-70 in Court Record, entry 192.

Record of criminal cases, including probation, showing case number, court term, names of defendant, attorneys, witnesses, and jurors, nature of charge, proceedings, and court orders. Arr. by date of proceedings. Indexed alph. by name of defendant. For index, 1871-80, see entry 190; for index, 1881-- , see entry 187. 1871-98, hdw.; 1899-- , typed. 500 p. 18 x 12 x 2. Cir. clk.'s off., 1st fl.

195. Praecipis For Execution, 1877-- . 2 v. (1 not numbered, 2).

Copies of praecipis for execution, showing case number, names of attorney, plaintiff, defendant, and clerk, date and order for execution. Arr. by date of praecipe. No index. Hdw. on pr. fm. 190 p. 11 x 10 x 1½. 1 v. not numbered, 1877-94, attic strm., 4th fl.; v. 2, 1895-- , cir. clk.'s off., 1st fl.

196. Judgments By Confession, Vacation and Term Time, 1923-- . 2 v. (1, 2). Title varies: Judgment by Confession, Vacation, v. 1, 1923-33. 1821-1922 in Court Record, entry 192.

Record of judgments by confession, showing case number, names of plaintiff and defendant, declaration, date and amount of judgment, and court order. Arr. by date of judgment. Indexed alph. by name

of plaintiff. Hdw. on pr. fm. 590 p. 18 x 12 x 2½. Cir. clk.'s off., 1st fl.

197. Indictment Record, 1907-31. 6 v. (1-6). Missing 1917-19. Record of criminal indictments, showing case number, date of indictment, names of defendant, grand jurors, and attorneys, nature of charge, and findings of jury. Arr. by date of indictment. Indexed alph. by name of defendant. Typed. 590 p. 16 x 12 x 2½. V. 1, 2, 1907-15, common vlt., bsmt.; v. 3-6, 1916-31, cir. clk.'s off., 1st fl.
For original indictments, see entry 191.

TRANSCRIPTS

198. Transcript From Justice of the Peace, 1877--. 5 v. (2-6). 1821-76 in Court Record, entry 192.
Transcript of judgments from justice of peace courts, showing date of court term, names of plaintiff, defendant, attorneys, and officers of court, nature of action, petitions, testimonies, and abstract of proceedings. Arr. by date of court term. Indexed alph. by name of defendant. Hdw. on pr. fm. 300 p. 18 x 12 x 2½. V. 2, 3, 1877-1913 common vlt., bsmt.; v. 4-6, 1914--., cir. clk.'s off., 1st fl.

199. Transcript of Judgment (Foreign Counties), 1924--. 1 v. (2) 1821-1923 in Court Record, entry 192.
Transcripts of judgments in cases heard in foreign counties, showing names of plaintiff, defendant, court, and attorneys, summary of case, fee book and page of entry, and date of filing. Arr. by date of filing. Indexed alph. by name of defendant. Typed. 300 p. 18 x 12 x 2½. Cir. clk.'s off., 1st fl.

DOCKETS

200. Clerk's Docket, 1837--. 72 v. Missing: 1851-56, 1865-81, 1909-33.
Clerk's docket of common law, chancery, and criminal cases, showing names of plaintiff, defendant, judge, and attorneys, case number, nature of action, notations of court orders, and date of court term. Arr. by case no. No index. Hdw. under pr. hdgs. 200 - 300 p. 16 x 12 x 2 - 14 x 12 x 3. 71 v., 1837-1908, attic strm., 4th fl.; 1 v., 1934--., cir. clk.'s off., 1st fl.

201. Transfer Docket, 1859-1933. 45 v. (B-Y, 1 not labeled, Y, 1 not labeled, 2-10, 10, 12-19). Title varies: Judges' Docket, v. B-Y, 1 not labeled, Y, 1859-1907.
Judges' docket of common law, chancery, and criminal cases, showing date of court term, names of plaintiff, defendant, attorneys, and judge, notations of previous proceedings, judge's orders, and abstract of proceedings. Also contains Transcript Docket, 1859-1925, entry 212. Transfer Docket Common Law, entry 202, Transfer Docket Chancery, entry 203, and Transfer Docket Criminal, entry 204, subsequently kept separately. Arr. by date of court term. No index. Hdw. under pr. hdgs. 500 - 600 p. 18 x 12 x 3 - 14 x 12 x 5. V. B-Y, 1 not labeled, Y, 1859-1907, common vlt., bsmt.; 1 v. not labeled, v. 2-10, 10, 12-19, 1908-33, cir. clk.'s off., 1st fl.

202. Transfer Docket Common Law, 1934--. 1 v. 1859-1933 in Transfer Docket, entry 201.
Judges' docket of closed common law cases, showing case number, date of court term, names of plaintiff, defendant, attorneys, and judge, nature of action, abstract of proceedings, and date of disposition. Arr. by date of disposition. No index. Hdw. under pr. hdgs. 300 p. 14 x 12 x 3. Cir. clk.'s off., 1st fl.

203. Transfer Docket Chancery, 1934--. 1 v. 1859-1933 in Transfer Docket, entry 201.
Judges' docket of closed chancery cases, showing case number, date of court term, names of complainant, defendant, attorneys, and judge, nature of action, abstract of proceedings, and date of disposition. Arr. by date of disposition. No index. Hdw. under pr. hdgs. 300 p. 14 x 12 x 3. Cir. clk.'s off., 1st fl.

204. Transfer Docket Criminal, 1934--. 1 v. 1859-1933 in Transfer Docket, entry 201.
Judges' docket of closed criminal cases, showing case number, date of court term, names of defendant, judge, and attorneys, nature of action, abstract of proceedings, and date of disposition. Arr. by date of disposition. No index. Hdw. under pr. hdgs. 300 p. 14 x 12 x 3. Cir. clk.'s off., 1st fl.

205. Judges' Docket (Pending Cases), 1934--. 1 v.
Judges' docket of pending common law, criminal, and chancery cases, showing case number, names of plaintiff, defendant, judge, and attorneys, nature of action, proceedings of previous term, and date of court term. Arr. by case no. No index. Hdw. under pr. hdgs. 300 p. 14 x 12 x 3. Cir. clk.'s off., 1st fl.

206. General Docket, 1884--. 5 v. (A, 1 not labeled, 1-3).
Docket of all types of circuit court cases, showing case number, term date, names of plaintiff, defendant, and attorneys, type of action, and remarks. Also contains Grand Jury Docket, 1884-1912, entry 207. Arr. by case no. No index. Hdw. under pr. hdgs. 320 p. 18 x 12 x 3. V. A, 1 not labeled, 1884-1908, attic strm., 4th fl.; v. 1-3, 1909--, cir. clk.'s off., 1st fl.

207. Grand Jury Docket, 1913--. 1 v. (1). 1884-1912 in General Docket, entry 206.
Docket of grand jury cases, showing date of hearing, case number, names of defendant and justice of peace, abstract of proceedings, and amount of costs. Arr. by date of hearing. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 320 p. 15 x 12 x 2. Cir. clk.'s off., 1st fl.

208. Judgment and Execution Docket, 1885--. 12 v. (1-12).
Docket of judgments and executions, showing names of plaintiff and defendant, dates of judgment and execution, type of action, amount of judgment, sheriff's return, and notation of satisfaction. Judgment Docket, entry 209, and Execution Docket, entry 210, formerly kept separately. Arr. by date of judgment. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 300 p. 16 x 12 x 2½. Cir. clk.'s off., 1st fl.

- 209. Judgment Docket, 1822-84.** 4 v. Missing: 1847-60. 1885-- in Judgment and Execution Docket, entry 208.

Docket of judgments entered, showing names of plaintiff and defendant, date, type of action, amount of debt, damages, and costs, and remarks. 1822-46, arr. by date of judgment; 1861-84, arr. alph. by name of defendant. 1822-46, indexed alph. by name of defendant; 1861-84, no index. Hdw. under pr. hdgs. 100 p. 10 x 7 x 1. Common vlt., 1st fl.

- 210. Execution Docket, 1822-84.** 7 v. 1885-- in Judgment and Execution Docket, entry 208.

Docket of executions issued, showing name of person against whom judgment is entered, date and amount of judgment, amount of costs, fee book and page of entry, and sheriff's return. Arr. by date of judgment. 1822-45, indexed alph. by name of defendant; 1846-84, no index. Hdw. 100 p. 10 x 7 x 1. Common vlt., 1st fl.

- 211. Docket of Liens, 1888--.** 2 v. (1 not numbered, 2).

Docket of liens, showing names of plaintiff and defendant, nature, amount, and date of lien, description of property, and acknowledgment of satisfaction. Arr. by date of lien. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 320 p. 18 x 12 x 2. Cir. clk.'s off., 1st fl.

- 212. Transcript Docket, 1926--.** 1 v. 1859-1925 in Transfer Docket, entry 201.

Docket of cases appealed from justice of peace courts, showing date of hearing, transcript number, names of plaintiff, defendant, and attorneys, nature of case, and court orders. Arr. by date of hearing. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 189 p. 14 x 12 x 1. Cir. clk.'s off., 1st fl.

- 213. Bar Docket, 1827-84.** 28 v. Missing: 1828, 1829, 1831-36, 1838, 1845-49, 1857-63, 1872, 1876.

Calendar of common law, criminal, and chancery cases, showing names of plaintiff, defendant, and attorneys, nature of action, case number, and date set for hearing. Arr. by case no. No index. Hdw. under pr. hdgs. 100 - 200 p. 9 x 6 x 1/2 - 16 x 12 x 2. Attic strm., 4th fl.

FEE BOOKS

- 214. Chancery Fee Books, 1849--.** 23 v. (B-N, 2, 1 not labeled, 2-9). Title varies: Fee Books, v. B-N, 1849-78.

Register of fees received in chancery cases, showing names of plaintiff and defendant, dates and amounts of fees and payment, and name of payer; includes witness fees in chancery cases, 1849-1925. Also contains Fee Book (Criminal), 1849-72, entry 215, including Transcript Fee Book, entry 217; Common Law Fee Books, 1849-73, entry 216. Arr. by date of initial fee. 1849-78, indexed alph. by names of plaintiff and defendant; 1879-- , indexed alph. by name of plaintiff. Hdw. under pr. hdgs. 300 - 590 p. 14 x 10 x 2 - 17 x 11 x 3. V. B-N, 2, 1 not labeled, 1849-98, attic strm., 4th fl.; v. 2-9, 1899-- , cir. clk.'s off., 1st fl.

215. Fee Book (Criminal), 1873--. 9 v. (O, U, 1873-92; 1 not labeled, 1-6, 1873--). 1849-72 in Chancery Fee Book, entry 214. Register of fees received in criminal cases, showing name of defendant, date and amount of fee, and court term; includes witness fees in criminal cases, 1873-1925. Also contains Transcript Fee Book, 1879-84, entry 217. Arr. by date of initial fee. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 296 p. 18 x 12 x 2. V. O, U, 1 not labeled, 1873-99, attic strm., 4th fl.; v. 1, 1900-1910, common vlt., bsmt.; v. 2-6, 1911--., cir. clk.'s off., 1st fl.

216. Common Law Fee Books, 1874--. 12 v. (P-T, 1 not labeled, 2, 4, 6-9). 1849-73 in Chancery Fee Books, entry 214. Register of fees received in common law cases, showing date, case number, names of plaintiff and defendant, nature of case, amount of judgment, and itemized fees; includes witness fees in common law cases, 1874-1925. Arr. by date of initial fee. Indexed alph. by name of plaintiff. Hdw. under pr. hdgs. 590 p. 17 x 11 x 3. V. P-T, 1 not labeled, 1874-99, attic strm., 4th fl.; v. 2, 4, 6-9, 1900--., cir. clk.'s off., 1st fl.

217. Transcript Fee Book, 1885--. 4 v. (1-4). 1849-78 in Chancery Fee Books, entry 214; 1879-84 in Fee Book (Criminal), entry 215. Register of fees received in cases from justice of peace courts, showing names of plaintiff, defendant, and justice of peace, and itemized fees. Arr. by date of initial fee. Indexed alph. by name of defendant. Hdw. under pr. hdgs. 448 p. 13 x 12 x 2½. Cir. clk.'s off., 1st fl.

218. Witness and Alias Fees, 1926--. 1 v. (1). Register of witness fee receipts in common law, criminal, and chancery cases, showing names of plaintiff and defendant, date of receipt, amount of fees, and name of payer. Arr. by date of receipt. No index. Hdw. under pr. hdgs. 400 p. 15 x 11 x 1½. Cir. clk.'s off., 1st fl.

For prior records of witness fees, see entries 214-216.

REPORTS TO COURT

219. Coroner's Verdicts, 1897--. 18 f. b. Coroner's original inquest papers, showing names of deceased, coroner, jurors, and witnesses, age, sex, residence, and occupation of deceased, case number, date and place of death, jury verdict, and dates of verdict and filing. Arr. by case no. No index. Hdw. on pr. fm. 10 x 5 x 14. Cir. clk.'s private off., 1st fl.

220. State's Attorney and Master's Reports, 1872--. 2 v. (1 not numbered, 1). Copies of reports of state's attorney and master in chancery, showing name of attorney or master, itemized receipts and disbursements, date of report, and balance available. Arr. by date of report. Indexed alph. by name of attorney or master. Hdw. and typed. 600 p. 18 x 12 x 3. 1 v. not numbered, 1872-1915, common vlt., 1st fl.; v. 1, 1916--., cir. clk.'s off., 1st fl.

BONDS
(See also entry 191)

221. **Officers' Bonds, 1911--.** 1 f.b., 4 envelopes.

Original bonds of master in chancery, receivers, trustees, and county treasurer, showing names of principal, sureties, and witnesses, amount and date of bond, book and page of record, and date of filing. Arr. by date of filing. No index. Hdw. and typed on pr. fm. F.b. 10 x 5 x 14; envelopes 5 x 10 x 5. 1 f.b., 1911-18, cir. clk.'s private off., 1st fl.; 4 envelopes, 1919--, cir. clk.'s off., 1st fl.

222. **Bond and Recognizance Record, 1872--.** 5 v. (1 not numbered, 1, 1-3). Title varies: Recognizance Record, 1 v. not numbered, 1, 1872-1928. 1821-71 in Court Record, entry 192.

Copies of recognizance bonds, showing names of defendant and sureties, date, amount, and obligations of bond, dates of appearance and acknowledgment. Arr. by date of bond. Indexed alph. by name of defendant. Hdw. 500 p. 16 x 12 x 2. 1 v. not numbered, v. 1, 1872-1928, cir. clk.'s off., 1st fl.; v. 1-3, 1929--, common vlt., 1st fl.

NATURALIZATION
(See also entries 148-152)

223. **Naturalization Record, 1862--.** 25 v. (A-D, 1-10, 11 not labeled).

Copies of petitions for naturalization, showing date of petition, name, age, and nativity of alien, final oath of allegiance, and copy of court order granting citizenship. Arr. by date of petition. Indexed alph. by name of petitioner. 1862-1905, hdw. on pr. fm.; 1906--, typed on pr. fm. 600 p. 18 x 12 x 3. V. A-D, 1862-1905, common vlt., 1st fl.; v. 1-10, 11 not labeled, 1906--, cir. clk.'s off., 1st fl.

OFFICE TRANSACTIONS

Receipts and Expenditures

224. **Register of Fees and Expenditures, 1872--.** 14 v. (4 not numbered, 2-6, 11, 10, 12-14). Missing: 1908-20.

Register of receipts and disbursements of court fees by circuit clerk, showing amount, date, and purpose of receipt or disbursement, and names of payer and payee. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 200 p. 16 x 10 x 1½. 4 v. not numbered, v. 2-6, 1872-1905, attic strm., 4th fl.; v. 11, 1906-30, common vlt., bsm't.; v. 10, 12-14, 1931--, cir. clk.'s off., 1st fl.

225. **Receipt Record, 1921-36.** 1 v.

Duplicate receipts for witness fees paid in common law, chancery, and criminal cases, showing names of witness, plaintiff, defendant, and payer, date and amount of payment, and book and page of court record. Arr. by date of payment. Indexed alph. by name of payer. Typed. 300 p. 17 x 12 x 2. Cir. clk.'s off., 1st fl.

Court Business

226. **Receipts For Court Papers, 1877--.** 5 v. (1-4, 1 not numbered). Missing: 1878-1904.

Attorneys' receipts for court papers, showing title of case, dates of receipt and return, and attorney's signature. Arr. alph. by name of attorney. No index. Hdw. on pr. fm. 250 p. 13 x 8 x 1½. V. 1, 1877, attic strm., 4th fl.; v. 2-4, 1 not numbered, 1905--, cir. clk.'s off., 1st fl.

VII. SHERIFF

The sheriff, by constitutional provision, has been an elected officer in Montgomery County from the organization of the county in 1821 to the present.¹ The term of his office, originally set at two years,² is now four years.³ In 1880 it was provided, by constitutional amendment, that no person elected to the office of sheriff should be eligible for reelection to that office until four years after the expiration of his term of office.⁴ His bond in this county is required in the sum of \$10,000 and must be approved by the county judge.⁵ Memoranda of this bond are entered at large upon the records of the county court, and the bond is filed in the office of the county clerk.⁶ One or more deputies are appointed by the sheriff in accordance with the number allowed by rule of the circuit court. Compensation of the deputies is determined by the county board.⁷ The sheriff is warden of the county jail and has custody and regulation of the same and of all prisoners.⁸ To assist him in this administration, he appoints a superintendent of the county jail for whose conduct he is responsible, and whom he may remove at pleasure.⁹

Essentially without change for over one hundred years, the principal duties of the sheriff are the following:

1. To act as conservator of the peace, with power to arrest offenders on view.¹⁰
2. To attend, in person or by deputy, all courts of record (city, county, probate, circuit, and appellate courts) in his county, and to obey the orders and directions of the courts.¹¹
3. To serve, execute, and return all writs, warrants, process, orders, and decrees legally directed to him.¹²

1. Constitution of 1818, Art. III, sec. 11; Constitution of 1848, Art. VII, sec. 7; Constitution of 1870, Art. X, sec. 8; second amendment November 22, 1880, to the Constitution of 1870, Art. X, sec. 8; also **L. 1819**, p. 110; **R. S. 1874**, p. 989.

2. Constitution of 1818, Art. III, sec. 11; Constitution of 1848, Art. VII, sec. 7.

3. Constitution of 1870, Art. X, sec. 8.

4. *Ibid.*, Art. X, sec. 8, as amended November, 1880.

5. **R. S. 1874**, p. 990. Cf. **R. L. 1827**, p. 371. Prior to the organization of the county court, the sheriff's bond and securities were approved by the circuit court.

6. **R. S. 1845**, p. 514; **R. S. 1874**, p. 989.

7. **R. L. 1827**, p. 373; **R. S. 1845**, p. 515; **L. 1869**, p. 399. Constitution of 1870, Art. X, sec. 9.

8. **L. 1819**, p. 111, 112, 160-62, 314-17, 332, 333; **L. 1821**, p. 37, 63, 64; **R. L. 1827**, p. 247-50; **L. 1831**, p. 103, 104, 106; **R. L. 1833**, p. 574, 575; **L. 1845**, p. 10, 19; **R. S. 1845**, p. 133, 134, 515-17; **R. S. 1874**, p. 616, 989-91; **L. 1901**, p. 137, 138; **L. 1923**, p. 423. The citations also include reference to duties not included in the general outline noted above.

9. **L. 1923**, p. 423.

10. **R. L. 1827**, p. 372; **R. S. 1845**, p. 515; **R. S. 1874**, p. 990.

11. *Ibid.*

12. *Ibid.*

4. To sell real or personal property by virtue of execution or other process.¹³
5. To send fingerprints of criminals to the State Bureau of Criminal Identification and Investigation.¹⁴

In the course of the sheriff's many detailed duties included in these broad provisions, the following records may be kept but do not appear in Montgomery County:

1. Receipts of deliveries of prisoners in changes of venue.¹⁵
2. Copies of reports to the county court and circuit court.¹⁶
3. Reports of pawnbrokers on loans and articles pawned.¹⁷

The following records may be kept and do appear:

1. Register of prisoners.¹⁸
2. Docket of executions.
3. "Books of Accounts," including records of fees and disbursements.¹⁹
4. Process docket.
5. Data of identification of criminals and stolen property.²⁰

PROCESS

227. Sheriff's Process Docket, 1884--. 13 v. (2-10, 4 not numbered).

Docket of process service, showing case number, names of plaintiff, defendant, and court of issue, kind of action, dates of issuance, service, and return, and amount of sheriff's fee. Arr. by date of issuance. No index. Hdw. under pr. hdgs. 300 p. 14 x 9 x 2. V. 2-10, 3 not numbered, 1884-1930, common vlt., bsmt.; 1 v. not numbered, 1931--, sh.'s off., 1st fl.

228. Sheriff's Execution Docket, 1884--. 2 v. (3, 4).

Docket of executions served by sheriff, showing case number, names of sheriff, plaintiff, and defendant, date and amount of judgment, date of execution, itemized list of costs and fees, sheriff's return on execution, and date of return. Arr. by date of execution. Indexed alph. by names of plaintiff and defendant. Hdw. under pr. hdgs. 225 p. 16 x 10 x 2. V. 3, 1884-1918, common vlt., bsmt.; v. 4, 1919--, sh.'s off., 1st fl.

13. **R. L. 1827**, p. 334; **L. 1838-39**, p. 14-18, 20; **R. S. 1845**, p. 302, 306, 307; **L. 1871-72**, p. 505; **R. S. 1874**, p. 622, 623, 627-29.

14. **L. 1931**, p. 465.

15. **R. S. 1874**, p. 1096.

16. *Ibid.*, p. 617; **L. 1923**, p. 424; **L. 1933**, p. 678.

17. **L. 1909**, p. 301.

18. **R. S. 1874**, p. 617; **L. 1923**, p. 424.

19. **L. 1871-72**, p. 450, 451; **L. 1873-74**, p. 104, 105.

20. **L. 1931**, p. 465.

JAIL RECORDS

229. Jail Calendar, 1877--. 2 v. (A, B).

Register of prisoners committed to county jail, showing name, age, personal description, and address of prisoner, nature of charge, dates of commitment and discharge, and manner of discharge. Arr. by date of commitment. No index. Hdw. under pr. hdgs. 150 p. 18 x 12 x 1½ Deputy sh.'s off., 1st fl., co. jail.

230. (Sheriff's Files), 1938--. 2 f.b.

Current papers filed with sheriff, including search warrants, summonses, executions, certificates of levy, warrants for arrest, photographs of men wanted, fingerprint sets, and identification cards. No obvious arr. No index. Hdw. and typed on pr. fm. and printed. 10 x 3 x 16. Sh.'s off., 1st fl.

FEEs, RECEIPTS AND EXPENDITURES

231. Miscellaneous Records (Fees for Conveyance to State Institutions), 1918--. 1 v. (2).

Register of fees earned and received by sheriff for conveyance of criminals, dependents, and delinquents to state institutions, showing date of commitment, type of service, amount of earnings, date of receipt, and source of payment. Also contains Jail Register of Prisoners (Register of Commitment and Discharge Fees), 1925--, entry 232. Arr. by date of commitment. No index. Hdw. under pr. hdgs. 370 p. 17 x 11 x 1. Sh.'s off., 1st fl.

232. Jail Register of Prisoners (Register of Commitment and Discharge Fees), 1894-1924. 1 v. 1925-- in Miscellaneous Records (Fees for Conveyance to State Institutions), entry 231.

Register of fees received by sheriff for commitment and discharge of county prisoners, showing name of prisoner, dates of commitment and discharge, amount of earned fee, date and amount of receipt, and remarks. Arr. by date of commitment. No index. Hdw. under pr. hdgs. 200 p. 18 x 12 x 1½. Deputy sh.'s off., 1st fl., co. jail.

VIII. CORONER

The coroner's office in Montgomery County has continued in existence from the organization of the county in 1821 to the present.¹ The coroner is elected by the county electorate for a four-year term.² After certification of his election by the county clerk, filing of his bond, and taking oath of office, he receives his commission from the Governor.³ The coroner's bond in this county is required in the sum of \$5,000 and must be approved by the county judge.⁴ The inquest duties of this official have changed little over a period of more than a century. The coroner acts as a conservator of the peace with powers equal to those of the sheriff in this respect and serves as a ministerial officer of the courts in the absence or disqualification of the sheriff; he also performs all other duties of the latter when the office is vacant.⁵

The most important function of the coroner is to hold inquests over the bodies of persons supposed to have come to their death by violence, casualty, or other undue means. When notification of such death is received, the coroner proceeds to the body, takes charge of it, and summons a jury composed of six men from the vicinity in which the body was found. The jury is instructed to assemble at a stated time and place to view the body and to inquire into the cause and manner of the death. If the inquest is continued and a vacancy should occur on the jury, the coroner is allowed to fill such vacancy.⁶

To the custody of the clerk of the circuit court are returned the verdict of the jury and such recognizances as may be given the coroner by witnesses whose testimony implicates any person as the unlawful slayer of the deceased.⁷ In his own office the coroner files and preserves the record of such testimony.⁸ The coroner also keeps one record which he originates, the "inquest record." This record recapitulates all the data involved in the entire inquest procedure and includes an inventory and accounting of the personal property and money of the deceased.⁹

Deputy coroners appointed by this official assist him in the performance of the duties of his office. The number of deputies is set by rule of the circuit court, and their compensation is determined by the county board of supervisors. The bonds or securities of these

1. Constitution of 1818, Art. III, sec. 11; **L. 1849**, Second Sess., p. 7; Constitution of 1870, Art. X, sec. 8.
2. The office is constitutional and elective (Constitution of 1818, Art. III, sec. 11; Constitution of 1870, Art. X, sec. 8). The term, formerly two years, is now four years (second amendment, November 22, 1880, to Constitution of 1870, Art. X, sec. 8).
3. **R. S. 1845**, p. 514; **R. S. 1874**, p. 281.
4. **R. S. 1874**, p. 281.
5. **L. 1819**, p. 111, 160; **L. 1821**, p. 20-23; **L. 1825**, p. 63, 64; **R. L. 1827**, p. 246-50, 372, 373, 375; **R. S. 1845**, p. 515, 517; **R. S. 1874**, p. 281, 282.
6. **L. 1821**, p. 22-24; **R. S. 1845**, p. 517, 518; **R. S. 1874**, p. 282-84; **L. 1879**, p. 82; **L. 1907**, p. 213; **L. 1919**, p. 403; **L. 1931**, p. 388.
7. **L. 1821**, p. 24, 25; **R. S. 1845**, p. 518; **R. S. 1874**, p. 284.
8. **L. 1869**, p. 104; **R. S. 1874**, p. 283; **L. 1907**, p. 213; **L. 1919**, p. 293.
9. **L. 1821**, p. 25, 26; **R. S. 1874**, p. 283.

assistants are taken by the coroner, and the oath to which each subscribes is filed in the county clerk's office.¹⁰

233. Coroner's Records, 1923--. 2 v.

Record of coroner's inquests, showing names of deceased, coroner, jurors, and witnesses, date and place of death, personal description, age, sex, occupation, and last residence of deceased, minutes of proceedings, verdict of jury, inventory and disposition of personal effects, and date of inquest. Arr. by date of inquest. Indexed alph. by name of deceased. Hdw. and hdw. under pr. hdgs. 304 p. 18 x 12 x 2. Cor.'s off., 1st fl., 930 South Oak Street, Hillsboro.

For coroner's original inquest papers, see entry 219.

234. Coroner's Register of Deaths, 1924--. 2 v. (1, 2).

Register of deaths reported to coroner, showing name, sex, nativity, color, occupation, and residence of deceased, date, place, and cause of death, names of nearest relatives, coroner, and informant, signature of registrar, and date of registration. Arr. by date of registration. Indexed alph. by name of deceased. Hdw. under pr. hdgs. 260 p. 17 x 9 x 2. Common vlt., 1st fl.

235. Coroner's Jury Certificates, 1930--. 17 v. Missing: 1931-34.

Stub record of coroner's jury certificates, showing number, date, and amount of certificate, and names of jurors and deceased. Arr. by certificate no. No index. Hdw. on pr. fm. 350 p. 2½ x 3 x ½. Cor.'s off., 1st fl., 930 South Oak Street, Hillsboro.

10. Constitution of 1870, Art. X, sec. 9; **L. 1881**, p. 63.

IX. STATE'S ATTORNEY

The functions of the office of state's attorney in Montgomery County were performed by a circuit attorney from the time of the organization of the county in 1821 to 1827 when he was replaced by an officer "styled and called state's attorney." In Montgomery County, as in each of the counties of the judicial district, this officer commenced and prosecuted in courts of record all actions in which the people of the state or county were concerned.² The state's attorney was appointed by the Governor until 1835, when he became an appointee of the General Assembly.³ This latter provision remained effective until 1848, when the state's attorney became an elected officer of the circuit district electorate.⁴ At this time his services also were expanded to include the newly created county court. Finally, the present constitution made the office elective in and for each county.⁵ Bond in the sum of \$5,000 has been required since 1872.⁶ From the creation of this office in the state until the present, the state's attorney has continued to receive his commission from the Governor for the tenure of his office.⁷ In 1827 his appointment was set at a four-year term⁸ until 1835, when he was appointed by the Assembly for a two-year term.⁹ Then, in 1849 the state's attorney's office became elective by the district electorate for a four-year term, the first term, however, being only for three years and ending in 1852.¹⁰ In Montgomery County the state's attorney receives an annual salary of \$4,500 with an additional \$400 paid by the state. Statutory fee rates are allowed him for convictions on specified offenses and crimes before justices of the peace, police magistrates, and county and circuit courts. Also, rates are established for preliminary examinations of defendants, for attendance at trials, and for appeals. These several fees and rates make the up a county fund from which is paid his salary.¹¹

The duties of the state's attorney are the following:

1. To commence and prosecute all actions, suits, indictments, and prosecutions, civil or criminal, in any court of record in his county, in which the people of the state or county may be concerned.
2. To prosecute all forfeited bonds and recognizances and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties, and forfeitures accruing to the state or his county, or to any school district

1. **L. 1819**, p. 214; **L. 1825**, p. 178, 179; **R. L. 1827**, p. 79, 80.

2. **L. 1835**, p. 44; **R. S. 1845**, p. 76.

3. **L. 1835**, p. 44.

4. Constitution of 1848, Art. V, sec. 21.

5. Constitution of 1870, Art. VI, sec. 22; **R. S. 1874**, p. 172.

6. **L. 1871-72**, p. 189.

7. **R. L. 1833** p. 98; **L. 1835**, p. 44; Constitution of 1848, Art. V, sec. 28; Constitution of 1870, Art. VI, sec. 22; **R. S. 1874**, p. 172.

8. **R. L. 1827**, p. 79, 80.

9. **L. 1835**, p. 44.

10. Constitution of 1848, Art. V, sec. 21; Constitution of 1870, Art. VI, sec. 22.

11. **L. 1871-72**, p. 422; **L. 1873-74**, p. 104, 105; **L. 1909**, p. 231-33; **L. 1929**, p. 474-76; **L. 1937**, p. 607.

in his county; also to prosecute all suits in his county against railroads or transportation companies, which may be prosecuted in the name of the people of the State of Illinois.

3. To commence and prosecute all actions and proceedings brought up by any county officer in his official capacity.
4. To defend all actions and proceedings brought against his county or against any county or state officer, in his official capacity, in his county.
5. To attend the examination of all persons brought before any judge on habeas corpus when the prosecution is in his county.
6. To attend before justices of the peace and prosecute charges of felony or misdemeanor for which the offender is required to be recognized and to appear before a court of record when it is within his power to do so.
7. To give his opinion, without fee or reward, to any county officer or justice of the peace in his county upon any question of law relating to any criminal or other matter in which the people of the state or county may be concerned.
8. To assist the Attorney General whenever it may be necessary, and in cases of appeal or writ of error from his county to the Supreme Court, to which it is the duty of the Attorney General to attend, he shall, a reasonable time before the trial of such appeal or writ of error, furnish the Attorney General with a brief showing the nature of the case and the question involved.
9. To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to their custody.
10. To perform such other and further duties as may from time to time be enjoined upon him by law.
11. To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgment to sell real estate, and to see that all the necessary preliminary steps have been legally taken to make the judgment legal and binding.¹²
12. To enforce the collection of all fines, forfeitures, and penalties imposed or incurred in the courts of record in his county; and to report to the circuit court on the collection of these moneys.¹³

For reports of state's attorney, see entries 144, 220.

236. Index to Files, 1920--. 4 f.b. (2 not labeled, civil; 2 not labeled, criminal).

Card index to Civil (Papers), entry 237, and Criminal (Papers), entry 238, showing case number, names of plaintiff and defendant, and

12. **R. S. 1345**, p. 76; **R. S. 1374**, p. 172.

13. **L. 1909**, p. 406; **L. 1911-12**, p. 88; **L. 1929**, p. 475.

date of final disposition of case. Arr. alph. by names of plaintiff and defendant. Typed. 3 x 5 x 12. Off. of state's atty., 2nd fl.

237. Civil (Papers), 1920--. 3 f.b.

Files of civil case papers, showing case number, names of plaintiff and defendant, nature of case, date and proceedings of case, and court orders. Arr. alph. by name of defendant. For index, see entry 236. Typed. 12 x 15 x 24. Off. of state's atty., 2nd fl.

238. Criminal (Papers), 1920--. 4 f.b.

Files of criminal case papers, showing case number, names of defendant, witnesses, and complainant, type of crime, date and proceedings of trial, and court orders. Arr. alph. by name of defendant. For index, see entry 236. Hdw. and typed. 12 x 15 x 24. Off. of state's atty., 2nd fl.

X. SUPERVISOR OF ASSESSMENTS

The county supervisor of assessments, with the aid of the township assessors, in Montgomery County, is responsible for the assessment of property upon which the township, district, county, state, and other taxes are levied. Principally, these officers annually revise the assessment of property, correct the same upon complaint, and quadrennially assess real and personal property.¹ Many statutory provisions have regulated this function in Montgomery County. Early laws fixed the value of the several categories of real and personal property, leaving the assessing officer only limited discretion.²

Property assessments in Montgomery County were first made by the county treasurer, an appointee of the county commissioners' court.³ From 1825 to 1827, when the sheriff acted as treasurer,⁴ a county assessor was appointed by the county commissioners' court.⁵ In 1827 the General Assembly reestablished the office of county treasurer, and the assessment function was resumed by that officer.⁶ The treasurer continued to act in this capacity until 1839 when the legislature provided for the appointment by the county commissioners' court of district assessors.⁷ The duty of property assessment reverted to the county treasurer again in 1844⁸ and continued to be vested in that office until 1873 when Montgomery County instituted township organization, and assessments were made by township assessors, elected one in each township annually.⁹

Between 1849 and 1898, the assessing officers in Montgomery County received their assessment lists from, and reported assessments to, the county clerk.¹⁰ In the latter years, the legislature provided that the county treasurer should be ex-officio supervisor of assessments.¹¹ From that date until the present, the township assessors have worked under the direction of, and reported the assessment of property to, the county treasurer, acting in this ex-officio capacity. Every township assessor is bonded in the sum of \$500. Bond for the supervisor of assessments is \$2,000 or such larger sum as the county board may determine.¹²

For other taxation records, see entries 3, 25-44, 85[i,x], 230, 240-253, 268, 269, 281, 286, 314, 315.

1. **L. 1871-72**, 20-22; **L. 1879**, p. 243; **L. 1881**, p. 134; **L. 1891**, p. 37; **L. 1898**, p. 36, 37, 40, 44; **L. 1903**, p. 295, 296; **L. 1923**, p. 491, 492, 504, 505; **L. 1927**, p. 713, 714; **L. 1928**, Sp. Sess. p. 106; **L. 1931-32**, First Sp. Sess. p. 66.
2. **L. 1819**, p. 313, 319; **L. 1825**, p. 173; **L. 1839**, p. 4-6; **L. 1840**, p. 4; **L. 1845**, p. 6.
3. **L. 1819**, p. 315.
4. **L. 1825**, p. 178.
5. *Ibid.*, p. 173.
6. **R. L. 1827**, p. 330.
7. **L. 1839**, p. 4.
8. **L. 1843**, p. 231, 237.
9. **L. 1849**, p. 192, 206, 207; **L. 1851**, p. 38, 54-57; **L. 1853**, p. 14, 15; **L. 1855**, p. 35, 37; **L. 1871-72**, p. 20-24.
10. **L. 1849**, p. 121, 128; **L. 1849**, Second Sess., p. 38; **L. 1853**, p. 14, 17, 47, 49, 50; **L. 1871-72**, p. 19, 20, 22, 23.
11. **L. 1898**, p. 37.
12. **L. 1898**, p. 37-39; **L. 1923**, p. 493, 494; **L. 1927**, p. 743, 744; **L. 1931-32**, First Sp. Sess., p. 66.

239. Original (Personal Property Schedules), 1930--. 7 bins,
41 f.b.

Original personal property tax schedules, showing names of taxpayer and township, school district number, signatures of property owner and assessor, property valuation, tax rate, and date of schedule. Arr. by date of schedule. No index. Hdw. on pr. fm. Bins 28 x 26 x 20; f.b. 10 x 5 x 15. 7 bins, 1930-1936, common vlt., bsmt.; 41 f.b., 1937--, treas.'s off., 1st fl.

XI. BOARD OF REVIEW

An important aspect of the revenue procedure is the authority exercised by the board of review to assess, equalize, and review or revise the assessment of property.¹ Early legislation provided for appeals from assessments to the county commissioners' court. The court was empowered to review and revise assessments on real and personal property.²

In 1849, when the county court succeeded the county commissioners' court in Montgomery County, appeals were made to that body.³ When township organization was instituted in 1873 this jurisdiction was given to the town board composed of the township supervisor, clerk, and assessor.⁴ The board of supervisors in their annual meeting examined the assessment rolls in the several towns to ascertain whether the valuations in one town bore just relation to the valuations in all other towns in the county, and were empowered to increase or diminish the aggregate valuation of real estate in any town accordingly. They could make whatever alterations in the description of the lands of nonresidents they deemed necessary, and were required to assess the value of any lands omitted by the assessor.⁵ In 1873 the duties of the board of supervisors with regard to assessments were the following:

1. To assess omitted property.
2. To review assessments upon complaint.
3. To hear and determine the application of any person assessed on property claimed to be exempt from taxation.
4. To ascertain whether the valuation in one town or district bore just relation to the valuation in all towns or districts in the county and adjust the assessment.⁶

In 1898 this authority was transferred to the newly created board of review, composed of the chairman of the county board who became ex-officio chairman of the board of review, the county clerk, and one citizen appointed by the county judge.⁷ Since 1923 the board has consisted of the chairman of the county board as ex-officio chairman of the board of review, and two citizens appointed by the county judge. The members of the board select their own clerk. The two citizen members are appointed alternately for a two-year term.⁸

Today, the board of review in Montgomery County is required to assess taxable property omitted from the regular assessment, to review and correct assessments on property claimed to be incorrectly assessed, to increase or reduce the entire assessment if, in their opin-

1. **L. 1898**, p. 46-49; **L. 1915**, p. 566-70; **L. 1919**, p. 727; **L. 1923**, p. 496-502; **L. 1930**, Sp. Sess., p. 85-90; **L. 1931-32**, First Sp. Sess., p. 70, 71, 75-78; **L. 1935**, p. 1163-66.
2. **L. 1839**, p. 7; **L. 1843**, p. 237; **L. 1845**, p. 8; **R. S. 1845**, p. 441.
3. **L. 1849**, p. 65.
4. **L. 1851**, p. 56; **L. 1871-72**, p. 22.
5. **L. 1851**, p. 57, 58; **L. 1871-72**, p. 24, 25.
6. **L. 1871-72**, p. 24, 25.
7. **L. 1898**, p. 46.
8. **L. 1923**, p. 496, 497; **L. 1931-32**, First Sp. Sess., p. 71, 72.

ion, it has not been made upon the proper basis, to hear and determine the application of any person assessed on property claimed to be exempt from taxation, and to correct errors or mistakes, except errors of judgment as to the valuation of any property any time before judgment.⁹

For certificates of appointment of members of board of review, see entry 85[iv]; for other taxation records, see entries 3, 25-44, 85[i,x], 230, 239, 241-253, 268, 269, 281, 286, 314, 315.

240. Complaint Docket Board of Review, 1899--. 10 v. (1-5, 5-9). Docket of tax complaints, showing date and number of complaint, name of complainant, section, township, and range numbers, assessed value, cause for complaint, and findings and orders of board. Arr. by date of complaint. Hdw. under pr. hdgs. 300 p. 18 x 12 x 3. V. 1-5, 5, 6, 1899-1929, small vlt., bsmt.; v. 7-9, 1930--, co. clk.'s off., 1st fl.

9. **L. 1898**, p. 46-49; **L. 1915**, p. 566-70; **L. 1919**, p. 727; **L. 1923**, p. 496-502; **L. 1930**, Sp. Sess., p. 85-90; **L. 1931-32**, First Sp. Sess., p. 70, 71, 75-78; **L. 1935**, p. 1163-66.

XII. COLLECTOR

In Montgomery County tax collections were first made by the sheriff, acting as ex-officio county collector.¹ With the exception of four years, 1839 to 1843, when there existed a separate office of county collector filled by appointment by the county commissioners' court,² the sheriff continued to act in this capacity until 1873; in that year Montgomery instituted township organization. With this change in the form of county government, tax collections were made the joint responsibility of the townships and the county, with the county treasurer acting as ex-officio county collector.³

Under this plan, town collectors, elected one in each township,⁴ made collections of resident property taxes,⁵ while nonresident and delinquent taxes were collected by the county treasurer.⁶ By the terms of an act of 1855, the town collectors were required to return their tax lists or books to the county collector who delivered them to the county clerk.⁷ This provision was changed in 1872 when an act of the General Assembly provided that the county collector make an annual sworn statement to the county clerk, showing the total amount of each kind of tax collected, the amount received from each town collector, and the amount collected by himself.⁸

The collection procedure in Montgomery County was altered in 1917 when the legislature provided for the abolishment of the office of town collector in counties with fewer than one hundred thousand inhabitants, the county collector to be ex-officio town collector in such counties.⁹ As Montgomery County never attained this population minimum,¹⁰ the county collector has continued to make collections for the townships as well as for the county.¹¹

The county collector is bonded in an amount determined upon by the county board in addition to that bond required of him as county treasurer.¹² Under statutory provisions, he collects taxes for the state, county, and other governmental agencies, and pays to the proper authorities the amount in his hands payable to them.¹³ He also settles

1. **L. 1819**, p. 316; **L. 1821**, p. 100; **L. 1823**, p. 80; **R. L. 1827**, p. 370, 374.
2. **L. 1838-39**, p. 7; **L. 1843**, p. 234; **L. 1853**, p. 99.
3. **L. 1851**, p. 38, 59-64; **L. 1853**, p. 67.
4. **L. 1851**, p. 38.
5. *Ibid.*, p. 59.
6. *Ibid.*, p. 53.
7. **L. 1855**, p. 37.
8. **L. 1871-72**, p. 56, 57; **L. 1873-74**, p. 56; **L. 1930**, Sp. Sess., p. 66, 67; **L. 1931**, p. 756; **L. 1931-32**, First Sp. Sess., p. 112; **L. 1933**, p. 873, 921; **L. 1933-34**, Third Sp. Sess., p. 220; **L. 1935**, p. 1156, 1213; **L. 1935-36**, Fourth Sp. Sess., p. 69, 70.
9. **L. 1917**, p. 793.
10. The population of Montgomery County was 35,311 in 1910; 41,403 in 1920, and 35,278 in 1930 (**Population Bulletin**, Illinois, p. 28).
11. **L. 1925**, p. 605; **L. 1929**, p. 774, 775; **L. 1931**, p. 905-8; **L. 1933**, p. 1115, 1116.
12. **L. 1871-72**, p. 36; **L. 1931**, p. 748; **L. 1931-32**, First Sp. Sess., p. 85, 86; **L. 1933-34**, Third Sp. Sess., p. 225, 226.
13. **L. 1871-72**, p. 56-59; **L. 1933**, p. 922; **L. 1935**, p. 1156, 1213; **L. 1935-36**, Fourth Sp. Sess., p. 69, 70.

annually with the county board.¹⁴ He prepares an annual list of delinquent property and files it with the county clerk;¹⁵ advertises his intention of applying for judgment for sale of delinquent lands and lots;¹⁶ and is required to attend, in person or by deputy, all tax sales resulting from this action.¹⁷ The county clerk, in person or by deputy, is also required to attend all tax sales.¹⁸ At such sales, the clerk and collector note and make entry of all tax sales and forfeitures to the state.¹⁹

The county collector is required to keep his records as collector of taxes separate from his records as county treasurer.²⁰ The records of the collector's office include duplicates of receipts issued to taxpayers, state auditor's and county clerk's certificates of the collector's settlement with them, duplicates of the collector's reports, delinquent property records, and tax sale and forfeiture records.

For other taxation records, see entries 3, 25-44, 85[i,x], 230, 239, 240, 268, 269, 281, 286, 314, 315.

COLLECTION, SETTLEMENT

241. Tax Receipts, 1923--. 5 bins, 11 f.b.

Duplicate real and personal property tax receipts, showing name of payer, description of property, date and amount of tax payment, book and page of collector's book, total tax, and cost. Arr. by date of payment. No index. Hdw. on pr. fm. Bins 28 x 26 x 20; f.b. 10 x 5 x 15. 5 bins, 1923-34, common vlt., bsmt.; 11 f.b., 1935--, treas.'s off., 1st fl.

242. Receipts, 1933--. 1 f.b.

County collector's receipts from supervisors and township school treasurers, showing date and amount of payment, names of township and credited fund, and signature of payee. Arr. by date of receipt. No index. Hdw. on pr. fm. 10 x 5 x 15. Treas.'s off., 1st fl.

243. County Collector's Settlement With Town Officers, 1874--. 10 v. (2 not numbered, 4-11). Missing: 1888-1901.

County collector's record of taxes collected from each township, showing date of statement, name of township, amount to be accounted for in each township, amounts and types of tax receipts, and total receipts; includes county collector's record of settlements with township collectors, 1874-1918. Arr. by date of statement. No index. Hdw. on pr. fm. 222 - 600 p. 19 x 12 x 2 - 17 x 11 x 4. 2 v. not numbered, 1874-87, attic strm., 4th fl.; v. 4-11, 1902--, treas.'s off., 1st fl.

14. L. 1871-72, p. 55; L. 1935, p. 1155, 1156.

15. L. 1898, p. 51; L. 1931, p. 759.

16. L. 1871-72, p. 44; L. 1937, p. 1010.

17. L. 1871-72, p. 48; L. 1930, Sp. Sess., p. 64.

18. L. 1871-72, p. 48.

19. Ibid.; L. 1933, p. 886.

20. L. 1917, p. 664, 665; L. 1930, Sp. Sess., p. 60-62; L. 1935, p. 1149-58.

Delinquent Tax, Abatement**244. County Collector's Statement of School Taxes, 1879--. 6 v. (2 not numbered, 2-5).**

Collector's account with school treasurers, showing name of township, school district, township and range numbers, amounts to be accounted for, collected from each district, and actually accounted for, amount and date of payment to school treasurer, collector's receipt, and signature of school treasurer. Arr. by date of payment. No index. Hdw. on pr. fm. 370 p. 17 x 11 x 2. 2 v. not numbered, 1879-93, attic strm., 4th fl.; v. 2-5, 1894--, treas.'s off., 1st fl.

245. (Abstracts), State - County - Bond Tax, 1910--. 1 v.

Abstracts of footings of tax books, showing name of township, date of abstract, footing of each column, and grand total of footings. Arr. by date of abstract. No index. Hdw. 200 p. 12 x 10 x 2. Treas.'s off., 1st fl.

246. Tax Collected After Settlement, 1922--. 3 v.

Statement of tax collections subsequent to collector's settlement and prior to tax sale, showing name of property owner, legal description and value of property, date, amount, and type of tax, and date of statement. Arr. by date of statement. No index. Hdw. under pr. hdgs. 300 p. 17 x 11 x 2. Treas.'s off., 1st fl.

247. Receipt Record Journal, 1923-27. 1 v.

Register of receipts given by township officers for moneys received from collector, showing names of township and official, title of office, and amount and date of payment. Arr. by date of payment. No index. Hdw. 300 p. 13 x 9 x 1. Treas.'s off., 1st fl.

248. Memoranda of Taxes, 1883-98. 18 v. (1-18).

Collector's memoranda of tax collections, showing name of taxpayer, legal description and valuation of property, tax spread, school district number, amounts of back tax, interest, costs, special assessments, and interest on special assessments, total amount due, and date of collection. Arr. by date of collection. No index. Hdw. under pr. hdgs. 120 p. 18 x 12 x 1. Attic strm., 4th fl.

DELINQUENT TAX, ABATEMENT**249. Abatement Record (Real Estate), 1910--. 5 v.**

Lists of abatement on real estate tax collections due from county collector, showing errors in assessment, nature of error, amount of credit, legal description of property, total abatements, name of township, and date of abatement. Arr. by date of abatement. No index. Hdw. under pr. hdgs. 240 p. 14 x 10 x 1½. Treas.'s off., 1st fl.

250. Abatement Record (Personal Property), 1910--. 3 v.

Lists of abatement on personal property tax collections due from collector, showing amount of credit, errors in assessments, type of tax, name of township, and date of abatement. Arr. by date of abatement. No index. Hdw. under pr. hdgs. 240 p. 14 x 10 x 1½. Treas.'s off., 1st fl.

251. Statement of Costs and Penalties, 1918--. 2 v. (2, 3).

Lists of delinquent tax penalties and collection costs, showing name of property owner, legal description of property, amounts of costs and

penalties, and total amount of payment. Arr. by date of payment. No index. Hdw. under pr. hdgs. 638 p. 17 x 11 x 2. Treas.'s off., 1st fl.

SPECIAL ASSESSMENTS

252. Special Assessments, 1912--. 3 f.b.

Collector's statement of delinquent special assessments, showing date, names of owner and collector, legal description of property, amount of delinquency, rate of interest, date due, and total amount of delinquencies. Arr. by date of statement. No index. Typed and typed under pr. hdgs. 10 x 5 x 15. Treas.'s off., 1st fl.

253. Statement of Accounts (Drainage Assessments), 1884-1920. 1 v.

County collector's statements of special assessment accounts of Bug River and Irish Flats drainage districts, showing date, names of collector, township, drainage district, and taxpayer, legal description of property, assessment number, date payable, amount of delinquency after sale, date of payment, amounts of assessment and interest payments, total amounts of receipts and disbursements, date of expenditure, name of payee, and order number. Arr. by date of statement. No index. Hdw. under pr. hdgs. 154 p. 12 x 8 x 1. Treas.'s off., 1st fl.

For subsequent statements for Bug River drainage district, see entry 268; for subsequent statements for Irish Flats drainage district, see entry 269.

XIII. TREASURER

In Montgomery County the treasurer was first appointed by the county commissioners' court.¹ The office was abolished in 1825, the sheriff assuming the duties of treasurer during the following two years.² In 1827 the legislature reestablished the office, providing that a treasurer be appointed annually by the county commissioners' court.³ From 1837 to the present the treasurer has been elected by the people of the county,⁴ and is commissioned by the Governor for a four-year term.⁵ In 1880 by amendment to the Constitution of 1870, it was provided that no treasurer should be eligible for reelection to the office until four years after the expiration of his term of office.⁶ The penal sum of the treasurer's bond and his securities are determined by the county board.⁷ Upon request of the treasurer, the board designates the bank in which the public funds are to be deposited.

In the performance of his duties, the treasurer receives the county revenue, has custody of its funds, and disburses them in accordance with orders of the county board or specific authorization by law. He is required to keep books of accounts of all funds received and disbursed by him, to maintain a register of county orders countersigned and paid, to report annually to the county board on the financial transactions of his office, and to settle his accounts with the board semiannually.⁸ The last two requirements give rise to a number of segregated records of accounts beyond strict statutory requirements. In addition, reports are made to the treasurer by other county, district, public, and semipublic authorities in the process of transacting business with him; and, finally, a large number of records arise from the requirement for collectors of taxes to settle their accounts with the treasurer.⁹

The treasurer acts as ex-officio treasurer of the special drainage district.¹⁰

1. **L. 1819**, p. 315.

2. **L. 1825**, p. 178.

3. **R. L. 1827**, p. 329; **R. L. 1833**, p. 515, 516.

4. **R. L. 1837**, p. 49, 274; **L. 1845**, p. 28; **R. S. 1845**, p. 137; **L. 1851**, p. 144; Constitution of 1870, Art. X, sec. 8.

5. The term was set at four years in 1837 (**R. L. 1837**, p. 274); it was later reduced to two years (**L. 1845**, p. 28; **L. 1851**, p. 144). The office was made constitutional in 1870 without change of term (Constitution of 1870, Art. X, sec. 8). Then in 1880, the term was lengthened to four years (Constitution of 1870, Art. X, sec. 8, as amended November, 1880).

6. Constitution of 1870, Art. X, sec. 8, as amended November, 1880.

7. **R. L. 1827**, p. 329; **R. S. 1874**, p. 323. The bond is required to be filed in the office of the county clerk.

8. **R. L. 1837**, p. 582, 583; **L. 1843**, p. 151; **R. S. 1845**, p. 137-39; **L. 1861**, p. 239, 240; **R. S. 1874**, p. 323, 324.

9. **R. L. 1827**, p. 330-33; **L. 1839**, p. 8-10; **L. 1845**, p. 11; **L. 1895**, p. 304; **L. 1913**, p. 516; **L. 1933**, p. 898.

10. **L. 1885**, p. 78, 104.

GENERAL ACCOUNTS

254. **Register of County Orders Countersigned, 1862--.** 9 v. (B-G, 1-3). Missing: 1890-1906.

Register of cancelled county orders, showing date, amount, purpose, and number of warrant, name of payee, and date of cancellation. Also contains Mothers' Pension Funds, 1916--, entry 267. Arr. by date of warrant. No index. Hdw. under pr. hdgs. 300 p. 18 x 10 x 2. V. B. 1862-89, attic strm., 4th fl.; v. C-G, 1-3, 1907--, treas.'s off., 1st fl.

255. **Cash Book, 1886--.** 7 v. (3 not numbered, 3-6).

Daily ledger of treasurer's cash receipts and disbursements, showing dates and amounts of receipts and disbursements, source of receipt, name of payee, purpose of payment and balance on hand. Also contains County Treasurer's Account, 1909--, entry 256. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 200 p. 20 x 14 x 2. 3 v. not numbered, 1886-1906, attic strm., 4th fl.; v. 3-6, 1907--, treas.'s off., 1st fl.

256. **County Treasurer's Account, 1862-1908.** 2 v. (1 not lettered, B). 1909-- in Cash Book, entry 255.

Treasurer's accounts of county funds, showing title of fund, dates and amounts of debits and credits, totals, and balance on hand. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 144 p. 17 x 11 x 1. 1 v. not lettered, 1862-82, attic strm., 4th fl.; v. B, 1883-1908, common vlt., 1st fl.

SPECIAL ACCOUNTS

School (See also entries 275, 276)

257. **(Register of Fees Received for Institute Fund), 1883--.** 2 v. (1 not lettered, B).

Treasurer's account of teachers' institute fund, showing dates and amounts of receipts and disbursements, names of payer and payee, purposes of expenditures, warrant number, and balance. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 160 p. 12 x 8 x 1. Treas.'s off., 1st fl.

258. **Non-High School Record, 1918--.** 1 v. (1).

Account record of receipts and expenditures of non-high school fund, showing dates and amounts of receipts and disbursements, names of payee and township, township school district and order numbers, and totals. Arr. by date of transaction. No index. Hdw. under pr. hdgs. 160 p. 14 x 10 x 1. Treas.'s off., 1st fl.

Probate

259. **Treasurer's Account of Unknown Heirs, 1881--.** 3 v.

Title varies: Treasurer's Account of Non-resident Heirs, 1 v., 1881-1906.

Heirship fund journal showing names of deceased and claimant, amount and date of receipt by treasurer, amount of costs, and final

disposition of funds. Arr. by date of receipt of funds. Indexed alph. by name of deceased. Hdw. under pr. hdgs. 150 p. 18 x 12 x 1½. Treas.'s off., 1st fl.

Inheritance Tax

260. Inheritance Tax Reports (and Receipts), 1917--. 2 f.b.
Copies of county judge's orders approving inheritance tax appraiser's reports and duplicates of inheritance tax receipts, showing names of deceased and beneficiaries, relationship of beneficiaries to deceased, legal description of property, appraised value of estate, exemptions, taxable cash value, total amount and date of payment, signatures of judge, appraiser, and payee, and date of filing. Arr. by date of report. No index. Hdw. and typed. 8 x 12 x 14. Treas.'s off., 1st fl.

261. Inheritance Tax Cash Book, 1912--. 2 v. (1, 2).
Account record of inheritance tax receipts and payments to State Treasurer, showing names of deceased and heirs, appraised value of estate, taxable cash value, tax rate, dates and amounts of levy and collections, amounts of discount, treasurer's commission, and appraiser's and county clerk's fees, and date and amount of payment to State Treasurer. Arr. by date of levy. Indexed alph. by name of deceased. Hdw. under pr. hdgs. 147 p. 14 x 8 x 1. Treas.'s off., 1st fl.

Highway

262. County Highway Warrant Register, 1933--. 1 v.
Register of cancelled highway warrants, showing claim number, date, amount, and number of warrant, name of payee, name of fund upon which drawn, purpose of payment, and total amount of warrants. Arr. by date of warrant. No index. Hdw. under pr. hdgs. 150 p. 15 x 12 x 1½. Treas.'s off., 1st fl.

263. Motor Fuel Tax Allotment Record, 1933--. 1 v.
Account record of motor fuel tax allotments, showing title of fund, estimate of costs, date of allotment, amounts of request by county board, receipt, and payments, receipt and claim numbers, purpose of claim, and balance available. Arr. by date of allotment. No index. Hdw. under pr. hdgs. 150 p. 12 x 9 x ½. Treas.'s off., 1st fl.

264. Highway Funds Received, 1935--. 1 v.
Treasurer's register of highway fund receipts, showing number, date, and amount of receipt, name of payer, for what section and route, and total receipts. Arr. by date of receipt. No index. Hdw. under pr. hdgs. 200 p. 13 x 12 x 2. Treas.'s off., 1st fl.

Dog License

265. Sheep Claims, 1920--. 1 f.b. 1 f.d.
Claims against dog tax fund for damages to sheep by dogs, showing claim number, names of owners of sheep and dogs, number of sheep killed or injured, amount of damages, signatures of owner and witnesses, notarial acknowledgment, and dates of claim and filing. Arr. by claim no. No index. Hdw. on pr. fm. F.b. 10 x 5 x 15; f.d. 4 x 12 x 27. Treas.'s off., 1st fl.

266. Sheep Fund Record, 1920--. 1 v. (1).
Account record of payments made from dog tax fund for damages to

sheep by dogs, showing date and amount of claim, names of owner, appraiser, and township, number of injured sheep, and amounts of dog tax collection and payment to to sheep owner. Arr. by date of payment. No index. Hdw. under pr. hdgs. 200 p. 16 x 10 x 1½. Treas.'s off., 1st fl.

Mothers' Pension

267. **Mothers' Pension Funds, 1914-15.** 1 v. 1916-- in Register of County Orders Countersigned, entry 254.

Register of mothers' pension warrants, showing date, amount, and number of warrant, name of mother, and date of cancellation. Arr. by date of warrant. No index. Hdw. 100 p. 10 x 15 x ½. Treas.'s off., 1st fl.

Drainage

268. **Record of Bug River Special Drainage District, 1898--.** 1 v. Ledger of receipts and expenditures of Bug River drainage district, showing names of treasurer and taxpayers, dates and amounts of assessments, collections, and expenditures, name of payee, purpose of expenditure, and balance; includes county collector's statements of Bug River special assessment accounts, 1921--. Arr. by date of transaction. No index. Hdw. 100 p. 12 x 8 x 1. Treas.'s off., 1st fl.

For prior collector's statements of Bug River drainage district special assessment accounts, see entry 253.

269. **Record of Irish Flats Special Drainage District, 1905--.** 1 v. Ledger of receipts and expenditures of Irish Flats drainage district, showing names of treasurer and taxpayer, dates and amounts of assessments, collections, and expenditures, purpose of expenditure, name of payee, and balance; includes county collector's statements of Irish Flats special assessment accounts, 1921--. Arr. by date of transaction. No index. Hdw. 100 p. 12 x 8 x 1. Treas.'s off., 1st fl.

For prior collector's statements of Irish Flats drainage district special assessment accounts, see entry 253.

REPORTS

270. **Monthly Reports, 1908--.** 3 f.b.

Duplicate monthly reports to county board of warrant issuances, showing dates, amounts, and numbers of warrants, names of payee and fund upon which drawn, total amount of warrants, and date of report. Arr. by date of report. No index. Typed under pr. hdgs. 10 x 5 x 15. Treas.'s off., 1st fl.

271. **Treasurer's Annual Reports To Board, 1932--.** 1 f.d.

Duplicates of treasurer's annual reports to county board, showing itemized account of receipts and expenditures of each fund, total receipts and expenditures, balance available in each fund, name of treasurer, and dates of report and filing. Arr. by date of filing. No index. Typed. 8 x 18 x 27. Treas.'s off., 1st fl.

272. **Mothers' Pension and Blind Pension Reports, 1935--.** 2 f.b.

Itemized quarterly reports to county board of payments for blind and mothers' pension, showing name and address of payee, warrant num-

Checks and Deposit Slips

ber, amount of payment, total amount of payment for quarter, and date of report. Arr. by date of report. No index. Typed under pr. hdgs. 10 x 5 x 15. Treas.'s off., 1st fl.

CHECKS AND DEPOSIT SLIPS**273. Cancelled Checks, 1923--.** 2 boxes.

Checks issued to school and township officials, showing name and title of payee, date and amount of payment, name of debited fund, signature of treasurer, and date of cancellation. No obvious arr. No index. Hdw. on pr. fm. 15 x 12 x 6 - 24 x 18 x 18. 1 box, 1923-36, common vlt., bsmt.; 1 box, 1937--, treas.'s off., 1st fl.

274. Deposit Slips, 1937--. 1 f.b.

Duplicates of daily bank deposit slips, showing names of bank and depositor, and date and amount of deposit. Arr. by date of deposit. No index. Hdw. on pr. fm. 10 x 5 x 15. Treas.'s off., 1st fl.

XIV. SUPERINTENDENT OF SCHOOLS

The first county school official in Montgomery County was the school commissioner.¹ The principal duties of this officer, an appointee of the county commissioners' court, centered around the sale of school lands. His reports of these sales were made to the county commissioners' court and recorded by their clerk in a well-bound book kept for that purpose.² The school commissioner also reported to the county commissioners' court on his other transactions in regard to the school fund.³ His office became elective in 1841.⁴ In 1845 the office of county superintendent of schools was created as an ex-officio office of the county school commissioner.⁵ For his ex-officio duties as superintendent of schools, the commissioner received additional compensation for the days actually engaged in the performance of these duties.⁶ Beginning with the year 1847, the school commissioner was elected for a two-year term.⁷ In 1865 the office of county superintendent of schools was established as an independent office, and had delegated to it the authority formerly vested in the county school commissioner.⁸

The superintendent of schools is a statutory office, now elective for a term of four years.⁹ The superintendent's office serves as the central school administrative agency for the county. One or more of the several congressional townships comprise the several school districts. Within these administrative units are elected boards of trustees who have executive and financial responsibilities which come under the supervision of the county superintendent.¹⁰ The boards of trustees appoint their own treasurers who also act as clerks of the township (or school district) boards.¹¹

The superintendent makes quarterly and annual reports to the county board and also reports to the State Superintendent of Public Instruction, the State Department of Public Health, the state fire marshal, and the state architect. His original duties are the following:

1. To sell township fund lands and issue certificates of purchase.
2. To examine the complete accounts of every township treasurer in his county and report irregularities to the township trustees.
3. To conduct a teachers' institute, hold quarterly examinations for teachers' certificates, and issue such.
4. To hold examinations for normal and university scholarships.

1. **R. L. 1829**, p. 150, 151.
 2. *Ibid.*, p. 152, 153; **L. 1849**, p. 155, 156, 159, 160; **L. 1851**, p. 130.
 3. **L. 1831**, p. 175.
 4. **L. 1841**, p. 261, 262.
 5. **L. 1845**, p. 54.
 6. **L. 1849**, p. 178; **L. 1867**, p. 161.
 7. **L. 1847**, p. 120; **L. 1849**, p. 154.
 8. **L. 1865**, p. 112; **L. 1871-72**, p. 702; **L. 1889**, p. 312; **L. 1909**, p. 343.
 9. **L. 1871-72**, p. 702; **L. 1909**, p. 343; **L. 1915**, p. 628; **L. 1923**, p. 596.
 10. **L. 1847**, p. 126; **L. 1909**, p. 350; **L. 1929**, p. 745.
 11. **L. 1927**, p. 843; **L. 1929**, p. 745.

5. To visit the public schools in the county, observe methods of instruction, make recommendations to teachers, and advise school officers; to observe sanitary and safety conditions, and notify trustees and state authorities of unsatisfactory conditions; to inspect plans and specifications, and approve those meeting state regulations.¹²

A noteworthy undertaking of the superintendent of schools is the annual teachers' institute. Pioneer legislation of 1869 provided that the school directors were to allow school teachers to attend the teachers' institute in their county without the loss of time or pay.¹³ Twenty years later, the superintendent of schools was required to hold the institute annually.¹⁴ A fund was set up for this purpose which has continued to be made up of the fees received from applicants for teachers' certificates and from teachers' registrations. Money from the fund is paid out only on the order of the superintendent to defray the expenses of the annual institute. When the fund exceeds the annual cost of the institute, the excess may be paid out for special meetings of teachers.¹⁵

ACCOUNTS OF SCHOOL FUNDS

(See also entries 257, 258)

275. Distributive Fund, 1929--. 1 v.

Superintendent's account of distributive fund, showing name of township treasurer, location of township, school district number, date, number, and amount of claim, and amounts of receipts and disbursements of distributive fund each month of school term. Arr. by twp. and range nos. No index. Hdw. under pr. hdgs. 500 p. 14 x 10 x 2½. Private off. of supt. of sch., 2nd fl.

276. Institute Fund Record, 1935--. 1 v.

County superintendent's institute fund record, showing dates, amounts, and purposes of receipts and expenditures, total amounts of receipts and expenditures, and balance available. Arr. by date of transaction. No index. Hdw. 472 p. 9 x 12 x 2. Off. of supt. of sch., 2nd fl.

SALE OF SCHOOL LANDS

277. Record of School Commissioner's Petitions for Sales, 1847-67. 1 v.

Record of petitions to school commissioner to sell school lands, showing date and purpose of petition, legal description and location of land, and signatures of petitioners. Arr. by date of petition. No

12. R. S. 1845, p. 498, 499; L. 1847, p. 122; L. 1849, p. 156; L. 1853, p. 246, 247; L. 1855, p. 66, 67; L. 1861, p. 190, 191; L. 1865, p. 119, 120; L. 1909, p. 347-50; L. 1915, p. 636-38.

13. L. 1869, p. 394.

14. L. 1839, p. 312.

15. L. 1905, p. 385; L. 1931, p. 876.

index. Hdw. 200 p. 12 x 8 x 1. Common vlt., 1st fl.

278. Acct. of Sale of School Lands, 1837-54. 2 v.

School commissioner's account of money received from sale of school lands, showing legal description of school land, amounts of sale and payment, balance due, rate of interest, names of purchaser and sureties, date of maturity of note, total amount received from sale of school lands, and balances to be collected and on hand. Arr. by date of sale. No index. 50-100 p. 14 x 8 x 1/2 - 8 x 6 x 1. Common vlt., 1st fl.

279. School Commissioner's Report (of Sale of School Lands), 1837-68. 1 v.

Copies of reports of school commissioner to county commissioners' court of sale of school lands, showing date, amount, and place of sale, name of purchaser, acreage, selling price per acre, legal description and location of property, and date of filing report. Arr. by date of filing report. No index. Hdw. 200 p. 12 x 8 x 1. Common vlt., 1st fl.

SCHOOL DISTRICTS

280. School District Claims For State Aid, 1930--. 5 bdl., 4 v.

Claims of various school districts in Montgomery County for state aid, showing date and number of claim, name and number of school district, financial statement of district, general information, names of teachers, and signatures of district clerk, township treasurer, and superintendent of schools. Arr. by date of claim. No index. Hdw. on pr. fm. Bdl. 14 x 9 x 1; v. 150 p. 14 x 9 x 1. 5 bdl., 1930-35, private off. of supt. of sch., 2nd fl.; 4 v., 1936--., off. of supt. of sch., 2nd fl.

281. Non-High School and Final Examination Record, 1935--. 1 v.

Record of proceedings of non-high school district board, showing date of meeting, attendance reports, treasurer's annual report, tax levies, claims for tuition, receipts and expenditures, and signature of secretary. Also contains (Record of Final Examinations of Eighth-Grade Pupils), entry 285. Arr. by date of meeting. No index. Hdw. 97 p. 14 x 10 x 1. Off. of supt. of sch., 2nd fl.

TEACHERS' RECORDS

282. County Superintendent's (Teachers') Examination Record, 1863--. 4 v.

Record of teachers' examinations, showing name, age, and address of applicant, subjects of examination, grades, rating, date of examination, and date, number, and kind of certificate. Arr. by date of examination. No index. 1863-97, hdw. under pr. hdgs.; 1898--., typed under pr. hdgs. 100 - 150 p. 18 x 8 x 1 - 18 x 14 x 1 1/2. 3 v., 1863-97, private off. of supt. of sch., 2nd fl.; 1 v., 1898--., off. of supt. of sch., 2nd fl.

283. Teachers' Permanent Record Cards, 1923--. 3 f.b.

Teachers' permanent record showing name, age, and address of teacher, grade and number of certificate, school attended, salary, subjects

and grade taught, teaching experience, amount of contributions to teachers' pension and retirement fund, and date of filing. 1923-29, arr. alph. by name of teacher; 1930--. arr. by date of filing. No index. Hdw. on pr. fm. 6 x 8 x 14. Off. of supt. of sch., 2nd fl.

284. Record of Teachers' Certificates, 1935--. 1 v.

Register of teachers' certificates, showing date of registration, name and address of teacher, date, number, and kind of certificate, and date of next registration or renewal. Arr. by date of registration. No index. Hdw. under pr. hdgs. 288 p. 14 x 12 x 2. Off. of supt. of sch., 2nd fl.

PUPIL RECORDS

285. (Record of Final Examinations of Eighth-Grade Pupils), 1935--. In Non-High School and Final Examination Record, entry 281.

Lists of eighth grade graduates, showing date of examination, name and number of school district, name and age of pupil, general average, and remarks. Arr. by date of examination.

REPORTS

286. Annual Report of County Superintendent of Schools, 1917--. 14 v. Missing: 1918-25.

Copies of annual reports of superintendent of schools to State Superintendent of Public Instruction, showing school census, enrollment, names, positions, and qualifications of teachers, promotion of health and attendance, annual salaries of elementary and high school teachers, district, distributive, and township fund records, tax levies, total receipts and expenditures, tuition payments, exhibits, investments, financial report, number of one-room schools, and memoranda. Arr. by date of report. No index. Hdw. on pr. fm. 38 p. 14 x 10 x 1½. Private off. of supt. of sch., 2nd fl.

287. Trustees' Annual Report, 1919--. 418 v.

Township school trustees' annual reports to superintendent of schools, showing name and number of school district, names of trustees, teachers, and school, school census, general and financial statistics, number of students in each school, qualifications of teachers, total income and expenditures, amounts of loans from school funds, balance available, dates of report and filing, and remarks. Also contains Township (School) Fund (Statement), 1937--., entry 293. No obvious arr. No index. Hdw. on pr. fm. 14 p. 14 x 8 x 1½. Off. of supt. of sch., 2nd fl.

288. Teachers' Annual Reports, 1935--. 6 f.b.

Annual reports of teachers to county superintendent of schools, showing district name and number, date of report, name, age, attendance record, and grade of each pupil, subjects studied and grades earned, general average, promotions, length of school term, average daily attendance, total number of pupils, number of teachers employed, qualifications of teachers, amount contributed to teachers' pension

fund, amount of salary, valuation and condition of school property, health promotion, and remarks. Arr. by date of report. No index. Hdw. on pr. fm. 12 x 9 x 14. Off. of supt. of sch., 2nd fl.

289. Preliminary Classification Report, 1935--. 4 folders.

Teachers' reports to superintendent of schools at beginning of each school term, showing name and age of each pupil, names and address of parents or guardian, grade in school, daily work program, general condition of school room, and remarks. No obvious arr. No index. Hdw. on pr. fm. 14 x 8 x 1. Off. of supt. of sch., 2nd fl.

290. Pension Reports, 1935--. 3 f.b.

Schools boards' reports to superintendent of schools regarding contributions to teachers' pension and retirement fund, showing name and address of teacher, school district name and number, teaching experience, number of months in school term, amount of salary, amount of contribution to pension fund, date of contribution, and remarks. Arr. by date of report. No index. Hdw. under pr. hdgs. 12 x 9 x 14. Off. of supt. of sch., 2nd fl.

291. Census Reports, 1935--. 3 f.b.

School census reports by clerks of school boards, showing district name and number, number of children between ages of six and sixteen, date of report, valuation of school property, and date of filing. Arr. by date of filing. No index. Hdw. on pr. fm. 4 x 4 x 12. Off. of supt. of sch., 2nd fl.

292. Field Book (Superintendent's Record of Visits to Schools), 1935--. 1 v.

Record of reports of superintendent's visits to various schools in county, showing date of visit, name of teacher, name and number of school district, township and section numbers, and remarks; includes plats of school districts. Arr. by twp. and range nos. No index. Hdw. on pr. fm. 150 p. 8 x 5 x 1. Off. of supt. of sch., 2nd fl.

293. Township (School) Fund (Statement), 1935-36. 1 f.b. 1937-- in Trustees' Annual Report, entry 287.

Statement of school fund loans, showing date of report, date of loan, name of borrower, amount of loan, interest rate, date of maturity, list of securities, date of interest payments, and remarks. Arr. by date of report. No index. Hdw. on pr. fm. 4 x 4 x 12. Off. of supt. of sch., 2nd fl.

REGISTERS OF SCHOOL OFFICERS

(See also entries 59, 60)

294. List of School Officers, 1935--. 2 f.b.

Lists of elected school officers, showing name and address of officer, title of office, dates of election and expiration of term, and name and number of school district. Arr. by date of election. No index. Hdw. under pr. hdgs. 12 x 9 x 14. Off. of supt. of sch., 2nd fl.

295. School Officers' and Teachers' Record, 1935--. 1 v.

Register of school officers and teachers, showing date of entry, name and address of officer or teacher, district name and number, date of

expiration of term of office, annual salary of teacher, and number of months in school term. Arr. by date of entry. No index. Hdw. under pr. hdgs. 96 p. 14 x 8 x 1. Off. of supt. of sch., 2nd fl.

SCHOOL TREASURERS' BONDS

(See also entry 105)

296. (Township School Treasurers') Bonds, 1924--. 3 f.b.
Bonds of township school treasurers, showing name of treasurer, township and range numbers, date, number, amount, and obligations of bond, signatures of sureties and school trustees, acknowledgment, and date of filing. No obvious arr. No index. Hdw. on pr. fm. 4 x 4 x 12. Off. of supt. of sch., 2nd fl.

XV. SUPERINTENDENT OF HIGHWAYS

From 1821 to 1849 the county commissioners' court exercised jurisdiction over roads and bridges in Montgomery County.¹ The court was empowered to locate new roads, to alter or vacate old roads, to divide the county into road districts, and to appoint a supervisor in each district.² The construction and maintenance of roads were effected by means of a labor tax levied on all able-bodied men between the ages of eighteen and fifty. It was the supervisors' duty to summon these men for work when road labor was needed.³

From 1849 to 1873 the county court in Montgomery County had the control and supervision of public roads and bridges. The substitution of this administrative body for the old county commissioners' court effected no material changes in the earlier set-up. The system of road districts was retained and the work of superintending road construction and maintenance continued to be vested in district supervisors.⁴

In 1873 when Montgomery County instituted township organization, the care and superintendence of roads became the responsibility of the townships. The 1849 legislation enabling the adoption of this form of county government had provided for the election in each township of a highway commissioner and as many overseers of highways as there were road districts in the county. The commissioners at their annual meeting determined necessary action for establishing new roads and repairing, altering, or vacating old roads; the overseers of highways were then required to carry out the commissioners' instructions.⁵ This system of road control and maintenance obtained until 1913; in that year the office of superintendent of highways was first established.⁶ The boards of highway commissioners which existed prior to that date have continued to function, but their powers are principally subordinated to those of the superintendent of highways.

The superintendent is appointed by the county board. The board submits a list of three to five candidates to the State Department of Public Works and Buildings, which department examines the candidates to determine the person best fitted for the office.⁷ The successful candidate holds office for six years and is remunerated in a sum fixed by the county board.

The powers and duties of the superintendent of highways come under the rules and regulations of the State Department of Public Works and Buildings. However, the superintendent is subject, upon

1. **L. 1819**, p. 175.

2. *Ibid.*, p. 333; **L. 1825**, p. 130.

3. **L. 1819**, p. 334.

4. **L. 1849**, p. 65, **L. 1851**, p. 179.

5. **L. 1849**, p. 212.

6. **L. 1913**, p. 524.

7. **L. 1921**, p. 781; **L. 1933**, p. 961. From 1913 to 1917 the list was submitted to the State Highway Commission; in 1917 this state agency was abolished, and its rights, powers, and duties were vested in the Department of Public Works and Buildings, created in the same year (**L. 1913**, p. 524; **L. 1917**, p. 4, 16, 24).

hearing, to removal by the county board. The superintendent exercises supervision over township, county, and state-aid roads, and bridges and culverts in his county, and is required to perform such other duties as may be prescribed by the chief highway engineer of the state.⁸

His principal duties are as follows:

1. To prepare plans, specifications, and estimates for all bridges to be built by the county.
2. To supervise the construction and maintenance of county roads and bridges, and state-aid roads.
3. To inspect the highways and bridges in each town or district of his county at least once a year.
4. To advise and direct the highway commissioners in each town or district as to the best methods of repair, maintenance, and improvement of highways and bridges.
5. To approve any purchase in excess of \$200 for materials, machinery, or apparatus to be used in road construction in any town or district.⁹

He is required to keep the following records:

1. Records of contracts, purchases, and expenditures authorized by himself, the county board, or township commissioners.
2. Maps, plats, blueprints, specifications, etc., arising from his supervision of roads and bridges, or the planning of new construction.
3. Accounts of the funds handled by his office.
4. Reports from other officers or bodies touching upon the affairs of his office; copies of his own reports on the administration of his office; related papers.¹⁰

CONSTRUCTION AND MAINTENANCE RECORDS

Right-of-Way Dedications

297. Right of Way, 1926--. 1 bdl., 1 f.b.

Dedications of right of ways for public roads, showing name of grantor, legal description of property, consideration, notarial acknowledgment, and dates of dedication and filing. Arr. by date of filing. No index. Hdw. and typed on pr. fm. Bdl. 8 x 4 x 3; f.b. 12 x 12 x 26. Off. of supt. of hwys., 1st fl.

Specifications, Contracts, and Plans (See also entry 311)

298. Maps of Roads and Bridges in Montgomery County, 1926--. 612 maps.

Maps and plats of roads and bridges, showing elevations, route and section numbers, outlines of roads, construction materials, date of

8. L. 1921, p. 782; L. 1933, p. 961.

9. L. 1913, p. 523-26.

10. Ibid., p. 525.

map, and name of engineer. Printed in Hillsboro. Blueprint. 1 in. to 3 mi. 5 x 7 - 12 x 3. Off. of supt. of hwys., 1st fl.

299. (Road Construction), 1933--. 7 f.b.

Original papers pertaining to road construction work, including notices to contractors, specifications, proposals, contracts, contract bonds, and correspondence. Arr. by road section no. No index. Hdw., typed, and hdw. and typed on pr. fm. 12 x 5 x 13 - 12 x 12 x 26. Off. of supt. of hwys., 1st fl.

Labor

300. Highway Payroll, 1926--. 5 f.b.

Semimonthly time sheets for county highway workers, showing date of time sheet, number of claim, name, address, and title of worker, hours worked, rate of pay per day, total amount of claim, date of approval, and signature of superintendent of highways. Arr. by date of time sheet. No index. Hdw. under pr. hdgs. 13 x 5 x 15. Off. of supt. of hwys., 1st fl.

301. Daily Labor Cards, 1939--. 1 f.d. 1935-38 in Claims M. F. T. (Motor Fuel Tax), entry 305.

Daily report cards on labor expended, showing patrol, section, and route numbers, names of laborers, hours worked by each man, type of work, date, and signature of supervisor. Arr. by date of report. No index. Hdw. on pr. fm. 12 x 12 x 18. Off. of supt. of hwys., 1st fl.

Work Projects Administration

302. WPA Projects, 1936--. 1 f.b.

Copies of certificates of WPA project sponsors, showing names of official sponsor and agency, project number, location and type of work, description of project, total amounts of money and time allowed, and date of certificate. Arr. by date of certificate. No index. Hdw. and typed on pr. fm. 13 x 5 x 15. Off. of supt. of hwys., 1st fl.

ALLOTMENTS AND CLAIMS

(See also entry 263)

303. Motor Fuel Tax Allotment Record, 1933. 1 v.

Account record of motor fuel tax allotments made to various highway funds, showing title of fund, balance on hand, date and amount of allotment, date, purpose, and amount of expenditure, claim number, and name of payee. Arr. by route and section nos. No index. Typed under pr. hdgs. 150 p. 12 x 9 x 1½. Off. of supt. of hwys., 1st fl.

304. Claims, 1926--. 5 f.b.

Claims for labor and supplies, showing name of claimant, date, amount, type, and number of claim, name of fund debited, and signature of superintendent of highways. Arr. by date of claim. No index. Hdw. and typed on pr. fm. 12 x 5 x 13. Off. of supt. of hwys., 1st fl.

305. Claims M. F. T. (Motor Fuel Tax), 1933--. 1 f.b.

Claims against motor fuel tax fund, showing name of claimant, route and section numbers, purchase order number, description of purchased

materials, date, amount, and number of claim, affidavit as to correctness, and signature of superintendent. Also contains Daily Labor Cards, 1935-38, entry 301. Arr. by claim no. No index. Hdw. and typed under pr. hdgs. 15 x 13 x 5. Off. of supt. of hwys., 1st fl.

306. Gas Tickets, 1939--. 1 f.d.

Bills and sales receipts for gasoline purchased by county, showing date and number of bill or receipt, names of purchaser and seller, number of gallons purchased, price per gallon, and total price. Arr. by date of bill or receipt. No index. Hdw. on pr. fm. 12 x 12 x 18. Off. of supt. of hwys., 1st fl.

307. Journal (Highway Claims), 1926--. 2 v.

Register of claims against highway funds other than motor fuel tax showing name of claimant, date, amount, and nature of claim, and amount of allowance; includes account record of receipts, showing title of fund credited, source of payment, date and amount of receipt, and balance on hand. Arr. by date of claim. No index. Hdw. under pr. hdgs. 375 p. 16 x 10 x 2½. Off. of supt. of hwys., 1st fl.

308. Claim Register (Motor Fuel Tax Fund), 1933--. 1 v.

Register of claims against motor fuel tax fund, showing date, number, and amount of claim, name of claimant, nature of service, type of materials, route and section numbers, purpose of service or materials. amount of treasurer's fee and total fees. Arr. by date of claim. No index. Hdw. under pr. hdgs. 300 p. 18 x 11 x 2. Off. of supt. of hwys., 1st fl.

REPORTS

309. Resolutions To County Board, 1926--. 1 f.b.

Copies of reports to county board of highway commission's resolutions, showing date of resolution, type of improvement, legal description of property to be improved, and date of filing. Arr. by date of filing. No index. Typed. 12 x 5 x 13. Off. of supt. of hwys., 1st fl.

SURVEYS

310. Motor Fuel Note Book, 1930--. 15 v.

Surveyor's original field notes preparatory to motor fuel tax construction work, showing landmarks, measurements, streams, names of property owners and surveyor, legal description of property, and date of survey. Arr. by date of survey. No index. Hdw. 50 p. 7 x 4 x ½. Off. of supt. of hwys., 1st fl.

CORRESPONDENCE AND PETITIONS

311. Maintenance Sections, 1935--. 1 f.b.

File of correspondence of maintenance of highways, including letters, proposals, notices of letting of contracts, and schedules of rates on materials. Arr. by maintenance section no. No index. Hdw. and typed. 12 x 5 x 13. Off. of supt. of hwys., 1st fl.

312. (Petitions To Board), no date. 1 f.b.

Copies of petitions to county board of voters of each township requesting continuance of present system of maintaining public roads by county rather than by township, showing name and address of voter, and name of township. No obvious arr. No index. Typed. 12 x 5 x 13. Off. of supt. of hwys., 1st fl.

XVI. SURVEYOR

The office of surveyor was established in the State of Illinois in 1821, the incumbent having been an appointee of the General Assembly.¹ During recess of the legislature, nominations were made by the county commissioners' court to the Governor.² From 1835 to 1936 the county surveyor was an elected officer of the county electorate.³ Since September, 1936, he has been an appointee of the county board.⁴ His appointment is for a four-year term. He takes and subscribes to an oath which is filed in the county clerk's office.

The surveyor is required by law to make all surveys within the bounds of his county that he may be called upon to make by the county board or interested persons. Such surveys include surveys of lands of persons requesting the same, of additions or subdivisions, and marking of county lines. Few changes have been made in the original statutory requirements for the duties of this office. The surveyor may appoint one or more deputies. Any individual requesting a survey must employ his own chainman subject to the approval of the surveyor.

The surveyor is required by law to keep a well-bound book in which to record all surveys made by him, giving such information as the names of the persons whose land is surveyed and descriptive data of the survey. This record is required to be kept by the surveyor in the recorder's office. The surveyor also preserves his field notes and retains copies of plats.⁵

For other records of surveys, see entries 115, 116, 310.

313. Surveyor's Record, 1836--. 3 v. (2 not numbered, 1836-90; 1, 1885--).

Surveyor's record and plats of surveyed lands, showing legal description of land, locations of cornerstones and witness trees, name of land owner, date of survey, and surveyor's certification. Arr. by date of survey. 1836-90, no index; 1885--, indexed by twp., sec., and range nos. Hdw. and hand-drawn. 592 p. 18 x 12 x 2. Common vlt., 1st fl.

1. **L. 1821**, p. 62; **R. L. 1829**, p. 172; **R. L. 1833**, p. 591.

2. *Ibid.*

3. **L. 1835**, p. 166; **L. 1837**, p. 558; **R. S. 1845**, p. 523; **R. S. 1874**, p. 456, 1050; **L. 1903**, p. 349.

4. **L. 1933**, p. 1104 (to be effective in 1936).

5. **L. 1821**, p. 63, 64; **R. L. 1829**, p. 173; **R. L. 1833**, p. 591-93, 599, 600; **L. 1845**, p. 201; **R. S. 1845**, p. 524; **R. S. 1874**, p. 1050; **L. 1885**, p. 248; **L. 1915**, p. 575; **L. 1933**, p. 1104.

XVII. DRAINAGE COMMISSIONERS

For the purpose of aiding in public welfare and health, the constitution has delegated to the General Assembly broad power to provide laws in regard to drainage.¹ By statutory provision, these activities are exercised by drainage commissioners in districts of Montgomery County. The corporate authorities of the drainage districts have power to acquire rights of way, issue bonds, construct and maintain drains, ditches, and levees for agricultural, sanitary or mining purposes, and assess the benefited property.²

Drainage districts may be organized by land owners upon petitions to the county court. When the court finds in favor of the petitioners, it then enters an order to that effect and appoints three commissioners to examine and survey the proposed lands. The commissioners, when they have completed their assignment, make a final report to the court with recommendations and the copies of surveys, maps, plats, and estimates.³ The districts are of three kinds: regular, which is composed of property lying in a single town; union, where the lands organized lie in two towns; special, with three or more towns involved.⁴ Special and union drainage districts are maintained in Montgomery County.

After the report on a proposed district has been made, the court completes the organization of the district.⁵ The corporate powers of regular and union districts are vested in three commissioners appointed by town clerks. The corporate authority in special drainage districts is vested in three elected commissioners of the district.⁶ In regular districts the commissioners appoint one of their number to act as secretary. The town clerk in union districts acts as the clerk of the district.⁷ The county clerk and county treasurer, in cases of special drainage districts, are respectively ex-officio clerk⁸ and treasurer of each district.⁹

The following records may be kept by the drainage commissioners:

1. Record of bonds issued.
2. Assessment books.
3. Petitions of owners of land to stay assessments, orders of commissioners thereupon, and other proceedings.
4. State auditor's certificates of interest due on bonds.
5. Tax lists showing pro-rata share of levy for bond interest (union and special districts only).

1. Constitution of 1870, Art. IV, sec. 31.

2. First amendment to the constitution, ratified November 29, 1878, incorporated in the Constitution of 1870, Art. IV, sec. 31; **L. 1879**, p. 124-39.

3. **L. 1871-72**, p. 356-58; **R. S. 1874**, p. 429; **L. 1875**, p. 76, 77; **L. 1879**, p. 120, 124, 155; **L. 1885**, p. 78, 93, 95, 110-15; **L. 1907**, p. 275; **L. 1913**, p. 261.

4. **L. 1879**, p. 155; **L. 1885**, p. 93, 94, 113. River districts, though not in this category, may be organized similarly and with like powers. **L. 1885**, p. 106.

5. See footnote 3.

6. **L. 1879**, p. 156; **L. 1885**, p. 93, 95, 113.

7. **L. 1915**, p. 390. The town clerk shall be clerk of the union drainage district, when the major portion lies in his town.

8. **L. 1885**, p. 95; **L. 1915**, p. 390; **L. 1919**, p. 468.

9. **L. 1835**, p. 78, 104.

6. Copies of reports to county court on conditions of districts and estimated expenditures; and to county treasurer on delinquent lands; maps and plats, surveys and estimates; office transactions.¹⁰

The first two records are required to be kept in separate books, the next three are generally known as the "Drainage Record"; and the remaining records are kept desultorily.

County records are not kept for the drainage commissioners; such records are maintained by the individual township or townships comprising a drainage district.

For ledgers of drainage district transactions. see entries 253, 263, 269.

314. Drainage Files, 1897--. 4 f.b. (15, 16, 127, 128).

Drainage district organization papers including petitions, assessment rolls, oaths and bonds of commissioners, claims, jury instructions and verdicts, engineers' reports, papers of election of officers, tax levies, and court orders. Arr. by date of petition. For index, see entry 1. Hdw. and typed on pr. fm. 6 x 4 x 12. Common vlt., 1st fl.

315. Drainage Record, 1897--. 2 v. (A, B).

Record of proceedings of drainage commissioners, showing legal description of lands, agreements and leases of right of ways, commissioners' reports to county court, tax schedules and levies, court orders, estimates, bids, and contracts for construction of levees and ditches, and date and place of meeting. Arr. by date of meeting. No index, Hdw. 318 p. 18 x 12 x 2. Common vlt., 1st fl.

¹⁰. L. 1879, p. 120-34; L. 1885, p. 78-104.

XVIII. DEPARTMENT OF PUBLIC WELFARE

Matters relating to public assistance and welfare in the county are handled by the department of public welfare, which was established in 1937 as successor to the county commission of public welfare.¹ This department consists of the superintendent of public welfare and a staff selected by him in accordance with, and subject to, the approval of the State Department of Public Welfare.

The county board submits to the state department a list of five residents as candidates for the office of superintendent. An eligible list of these candidates is prepared by the state department by competitive examination and certified to the county board. The board in turn makes an order appointing one of the eligibles as superintendent of public welfare.²

The superintendent is charged with all the executive and administrative duties and responsibilities of the department of public welfare. He is subject to the rules and regulations of, and removal by, the state agency.³

This officer has the power and it is his duty to:

1. Have charge of and develop plans for the administration of old age assistance.
2. Investigate and study problems of assistance, correction, and general welfare within his county.
3. Cooperate with the State Department of Public Welfare in the operation of welfare plans and policies in his county.
4. Maintain such records and file such reports with the State Department of Public Welfare as that department may require.
5. Serve as agent and executive officer of the State Department of Public Welfare in the administration of all forms of public assistance administered by that department.⁴

All the records of the county department are subject to the inspection and supervision of the agents of this central authority.

The department of public welfare administers old age assistance and is subject to the rules and regulations of the state department.⁵ Upon receipt of an application the department makes an investigation of the case. In the course of the investigation the department is allowed to hold hearings and compel the attendance of witnesses and the production of papers and books.⁶

Old age assistance records and accounts are kept as prescribed by the state department. All applications and records in these matters are considered public records.⁷

1. L. 1935-36, First Sp. Sess., p. 70-73; L. 1937, p. 451.

2. L. 1937, p. 451, 452.

3. Ibid., p. 452.

4. L. 1935-36, First Sp. Sess., p. 72; L. 1937, p. 452.

5. L. 1935, p. 259, 260; L. 1935-36, First Sp. Sess., p. 54, 55; L. 1937, p. 265.

6. L. 1935-36, First Sp. Sess., p. 57-59; L. 1937, p. 267, 268.

7. L. 1937, p. 268, 269.

All records of the department of public welfare are kept in its offices on the second floor of the Old Bank Building, Hillsboro.

316. (Card Record and Index to Files), 1936--. 3 f.b.

Card record of old age assistance applicants and index to (Old Age Assistance Files), entry 317; Deceased (Files), entry 318; and (Register of Old Age Assistance Applicants), entry 319, showing name and address of applicant, date and number of application, amount of assistance, and name of investigator. Arr. alph. by name of applicant. Hdw. on pr. fm. 3½ x 4 x 11.

317. (Old Age Assistance Files), 1936--. 9 f.b.

Case files of old age assistance applicants, including investigators' reports and recommendations, withdrawals, transfers, rejections, cancellations, and state approvals, showing name, age, address, and financial, marital, and health particulars of applicant, and date and amount of award. Arr. by application no. For index, see entry 316. Hdw. and hdw. and typed on pr. fm. 12 x 12 x 28.

318. Deceased (Files), 1936--. 2 f.b.

Case files of old age assistance recipients now deceased, showing report and recommendations of investigator, state approval, name, age, sex, and financial and marital particulars of client, amount of award, and date and cause of death. Arr. by application no. For index, see entry 316. Hdw. on pr. fm. 14 x 16 x 28.

319. (Register of Old Age Assistance Applicants), 1936--. 1 v.

Register of applications for old age assistance, showing name, address, sex, age, and financial particulars of applicant, application number, date of investigation, amount of award, and date of approval. Arr. by application no. For index, see entry 316. Hdw. under pr. hdgs. 200 p. 16 x 10 x 1½.

XIX. COUNTY HOME

One phase of public assistance is administered by the county home. All county poorhouses, poor farms, and institutions for the support and care of indigents in Illinois are known as county homes.¹ County poorhouses and farms have existed in this state under statutory provisions for nearly a century. The legislation creating these county establishments for the indigent has changed little since the original enactments. The county boards of the various counties may establish a county home and are granted the following powers:

1. To acquire by purchase, grant, gift or devise, a suitable tract or tracts upon which to erect and maintain a county poorhouse and other necessary buildings, and for the establishment and maintenance of a farm for the employment of the poor.
2. To receive gifts and bequests to aid in the erection and maintenance of the poorhouse, or in the care of the indigent.
3. To make rules and regulations for the same.
4. To appoint a keeper of the poorhouse and all necessary agents and servants for the management and control of the poorhouse and farm, and to prescribe their compensation and duties.
5. To appoint a county physician and prescribe his compensation and duties.
6. To appoint an agent to have the general supervision and charge of all matters in relation to the care and support of the poor, and to prescribe his compensation and duties.
7. To make the necessary appropriations for the erection and maintenance of the county home.²

Records of the county home are prepared and kept by the keeper (superintendent) of the home. He is required to keep an account showing the name of each person admitted to the county poorhouse, the time of his admission and discharge, the place of his birth, and the cause of his dependency. He is also required, at the same time each year, to file with the county clerk of his county a copy of this record together with the statement showing the average number of persons kept in the poorhouse each month during the year.³

320. **Almshouse**, 1874-- . 2 v. (1 not numbered, 1), Title varies: **Almshouse Register**, 1 v. not numbered, 1874-1927.

Register of county farm inmates, showing name, sex, age, color, occupation, birthplace, residence, education, health, and habits of inmate, dates of admission and discharge, cause of poverty, and authority for admission. Arr. by date of admission. No index. Hdw. under pr. hdgs. 160 p. 18 x 16 x 1½. Kitchen, 1st fl., home of supt. of co. farm.

1. **L. 1919**, p. 699; **L. 1935**, p. 1058.

2. **L. 1839**, p. 139; **R. S. 1845**, p. 404, 405; **L. 1861**, p. 180; **R. S. 1874**, p. 757; **L. 1917**, p. 638; **L. 1919**, p. 698; **L. 1935**, p. 1057, 1058.

3. **R. S. 1874**, p. 758.

XX. TUBERCULOSIS SANITARIUM BOARD

In 1909 the powers of the county were extended to permit the establishment of a sanitarium for the care and treatment of county residents suffering from tuberculosis.¹ This provision was greatly amplified in an act of 1915 which described in detail the conditions necessary to the establishment of such an institution and the manner in which it was to be supported, managed, and controlled.²

The act provided that whenever one hundred legal voters in a county should petition the county board to levy a tax for the establishment and maintenance of a tuberculosis sanitarium, the board was required to submit the question to the voters of the county at the next regular general election. A favorable majority of all votes cast upon the proposition was necessary for adoption.³ In the original legislation of 1915 the amount of the tax levy was limited to not more than three mills on the dollar annually on all taxable property in the county.⁴ This limit was lowered in 1923 to two mills,⁵ and further reduced in 1929 to one and one-half mills,⁶ the present statutory requirement. The money thus received was to be set apart in a special Tuberculosis Sanitarium Fund.⁷

The management of the sanitarium was vested in a board of three directors appointed by the president or chairman of the county board with the approval of that body. The directors were to serve for three years.⁸ Vacancies on the board were to be filled in the manner in which the original appointments were made. Immediately after their appointment, the directors were required to meet and elect from their number a president, secretary, and such other officers as they might deem necessary.⁹ The Montgomery County electorate voted on November 2, 1920,¹⁰ for the levying of a tax to establish such an institution; the first board of directors was appointed on June 13, 1921.¹¹

Today the powers and duties of the board of directors are essentially the same as in 1915. The directors have been given broad powers in the control and management of any sanitarium, all dispensaries, or auxiliary institutions and activities established or carried on under the provisions of the act of 1915 and subsequent legislation.¹² They are granted exclusive control of the expenditure of all moneys

1. **L. 1909**, p. 162.

2. **L. 1915**, p. 346-49.

3. *Ibid.*, p. 346, 347.

4. *Ibid.*, p. 346.

5. **L. 1923**, p. 302.

6. **L. 1929**, p. 304.

7. **L. 1915**, p. 346; **L. 1923**, p. 302; **L. 1929**, p. 304, 305.

8. The first three directors, however, were required to serve for irregular terms of one, two, and three years in order to permit the appointment of one new director annually. The particular term each director was to serve was decided by lot (**L. 1915**, p. 347).

9. **L. 1915**, p. 347.

10. Supervisors' Record, v. G. p. 383.

11. *Ibid.*, p. 417.

12. **L. 1915**, p. 346-49; **L. 1923**, p. 302, 303; **L. 1929**, p. 304, 305. Cf. **R. S. 1937**, p. 956-59.

Tuberculosis Sanitarium Board—

collected to the credit of the fund and may receive, in the name of the county, contributions or donations to the sanitarium of money or property. Persons desiring to make a donation, bequest, or devise of any money, personal property, or real estate may vest the title to such property in the board of directors who, upon acceptance, hold and control it and act as special trustees. Otherwise, all moneys received for the use of the sanitarium are deposited in the county treasury within a month after their receipt, to be drawn upon only by the proper officers upon presentation of properly authenticated vouchers of the board of directors. When such a deposit is made the board is required to secure a receipt from the treasurer.¹³

Since 1923, to insure greater working efficiency, counties maintaining tuberculosis sanitariums have been permitted to convey property to any adjacent county or counties upon such terms and conditions as the respective county boards agree on by a majority vote of all members of each board. In the same year it was also provided that counties without public tuberculosis facilities might use funds secured for that purpose to give patients sanitarium care in private or public sanitariums of the state.¹⁴ The Tuberculosis Sanitarium Fund of Montgomery County is distributed under this latter provision, as no county sanitarium is maintained. Patients are sent to St. John's Sanitarium, Riverton, in Sangamon County.

The directors are required to return to the county board monthly a list of the names of all persons making contributions and donations, the amount and nature of the property so received, and the date of its receipt. On or before the second Monday in June in each year, the directors make an annual report to the county board, stating the condition of their trust on the first day of June, the various sums of money received from all sources and how and for what purpose expended, the number of patients, and other pertinent statistics, information, and suggestions.¹⁵

Records of monthly and annual reports to the county board are kept with other committee reports in the supervisors' records, see entries 2 and 3.

13. **L. 1915**, p. 347-49.

14. **L. 1923**, p. 302.

15. **L. 1915**, p. 348, 349.

XXI. COUNTY MINE INSPECTOR

Legislation in regard to health and safety in the mining industry originally made the county surveyor ex-officio inspector of mines.¹ As such inspector he was to be assisted by a practical miner, to act under oath, and to receive a salary fixed by the county board and paid out of the county treasury. His duties were to see that safety measures were observed in the mines and to collect facts relative to coal mining and mining land. The inspector reported to the Governor annually on the condition of mines in regard to safety and ventilation and the result of examination of causes of accidents.

In 1877 the legislature authorized the county board, in each county in which mining is carried on, to appoint an inspector of mines.² This county inspector, who had to give evidence of practical mining experience, was required to take an oath of office, and to furnish a bond to the county board in an amount fixed by the latter body. The amount of the bond was fixed in 1879 at not less than \$1,000 nor more than \$3,000.³ Where a competent inspector was not appointed, or where the inspector did not properly perform his duties, then the circuit judge, at the request of ten citizens of the county, and upon proper proof of incompetency, was empowered to remove the inspector and appoint a properly qualified person to act during the unexpired term.⁴

The State Mining Board was created in 1899, and the state divided into seven inspection districts, with a State Inspector of Mines in each.⁵ The county was also fitted into this new organization with the requirement that the county board appoint a county inspector of mines upon the written request of the state inspector for the district in which the particular county was located.⁶ The intention of the legislature to maintain centralization in mine inspection was indicated by this statute which made the county inspector an assistant to the state inspector. In accordance with this act, a county mine inspector was appointed in Montgomery County in 1902.⁷

Provision was made in 1915 for petition by the state inspector to the county court upon failure of the county board to appoint a suitable county mine inspector.⁸ If necessary, the court will appoint an inspector, and order the county board to appropriate money for his compensation. This provision was recently reenacted.⁹

321. Mine Examiner's Reports, 1938--. 1 v.

Copies of county mine inspector's reports to county board, showing name of mine and owner, location and class of mine, detailed findings, recommendations, and dates of inspection and report. Arr. by date

1. L. 1871-72, p. 572.
2. L. 1877, p. 141, 142.
3. L. 1879, p. 208.
4. Ibid., p. 209.
5. L. 1899, p. 306, 308.
6. Ibid., p. 314, 315.
7. Supervisors' Record, v. F, p. 102.
8. L. 1915, p. 509, 510.
9. L. 1939, p. 727, 728.

of report. No index. Hdw. 75 p. 8 x 12 x 1/2. Off. of co. mine inspector, residence, 833 Anna Street, Hillsboro.

322. (Abandoned Oil Well Reports and Plugging Reports), 1938--.
1 v.

Copies of mine inspector's oil well and oil well plugging reports to county board, showing name of operator, legal description of lands, exact location, production and depth of well, type of plugging material used, and dates of plugging, inspection, and report. Arr. by date of report. No index. Hdw. 125 p. 8 x 12 x 1. Off. of co. mine inspector, residence, 833 Anna Street, Hillsboro.

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